

1 NORTH CAROLINA  
2 COUNTY OF WAKE

BEFORE THE  
STATE BOARD OF ELECTIONS  
& ETHICS ENFORCEMENT

3

4 IN RE: INVESTIGATION OF ELECTION |  
5 IRREGULARITIES AFFECTING COUNTIES |  
6 WITHIN THE NINTH CONGRESSIONAL |  
7 DISTRICT |

8

EVIDENTIARY HEARING

9 Location: North Carolina State Bar  
10 217 East Edenton Street  
Raleigh, North Carolina

11

TUESDAY, FEBRUARY 19, 2019  
9:30 a.m.

12

VOLUME II OF IV  
(Pages 235 through 533)

13

14 Board members in attendance:  
Mr. Robert B. Cordle, Chairman  
Mr. T. Jeff Carmon, III  
Mr. Ken Raymond  
Dr. Stella E. Anderson  
Mr. David C. Black

15

Board's staff present:  
Ms. Kim Westbrook Strach, Executive Director  
Mr. Joshua Lawson, General Counsel  
Ms. Katelyn Love, Deputy General Counsel  
Ms. Joan Fleming, Chief Investigator

16

Also present:  
Mr. Mark Elias Mr. William Gilkeson  
Mr. Jon Berkon Ms. Sarah Fairess  
Mr. David Freedman Mr. Timothy Haga  
Mr. Alex Dale Mr. Jeff Scott

17

## 1 T A B L E O F C O N T E N T S

2	Call to Order by Chairman Cordle	238
3	WITNESSES FOR THE BOARD (continued) :	
4	MICHELE MAULTSBY	
5	Direct Examination by Director Strach	240
5	Cross Examination by Mr. Elias	257
6	Cross Examination by Mr. Freedman	265
6	Examination by the Board	270
7	Redirect Examination by Director Strach	274
7	Recross Examination by Mr. Freedman	276
8	COY MITCHELL EDWARDS	
9	Direct Examination by Director Strach	278
9	Cross Examination by Mr. Elias	287
10	Cross Examination by Mr. Freedman	294
10	Cross Examination by Mr. Gilkeson	298
11	AGNES WILLIS	
12	Direct Examination by Director Strach	300
12	Cross Examination by Mr. Elias	320
13	Cross Examination by Ms. Freedman	327
13	Cross Examination by Mr. Gilkeson	343
14	Motion that the State Board go into	345
15	closed session pursuant to General	
15	Statute Section 143-318.11(a)(7).	
16	Vote	345
16	Redirect Examination by Director Strach	346
17	Recross Examination by Mr. Elias	353
18	Recross Examination by Mr. Freedman	355
18	Recross Examination by Mr. Elias	362
19	Recross Examination by Mr. Freedman	365
19	Recross Examination by Mr. Elias	366
20	COY MITCHELL EDWARDS (resumed)	
21	Redirect Examination by Director Strach	368
21	Recross Examination by Mr. Elias	374
22	Recross Examination by Mr. Freedman	379
22	SCOTT ANDREW YATES	
23	Direct Examination by Director Strach	382
23	Direct Examination by Mr. Lawson	449
24	Direct Examination by Director Strach	460
25	Cross Examination by Mr. Elias	466
25	Certificate	533

## E X H I B I T S

	List of Hearing Exhibits	For Identification
2	18 Tabulation tape, results of election, 11/3/18, 8 pages	244
3	19 List of one stop workers at the library in Bladenboro, 1 page	250
4	20 Printed time line, 1 page	306
5	21 Affidavit of Agnes Willis, 1 page	329
6	22 Absentee application and certificate of Joseph Barr, 1 page	348
7	23 Zero tape from tabulation machine, 10/17/18, 7 pages	367
8	24 Invoice from Red Dome to Mark Harris campaign, 9/4/18, 2 pages	407
9	25 E-mail from Mr. Yates, 5/22/18, 1 page	418
10	26 Check log of the checks written by Red Dome to Mr. Dowless, 1 page	428
11	27 Copies of checks from Red Dome to McCrae Dowless	428
12	28 Invoices from Red Dome to Mark Harris campaign, 28 pages	428
13	29 Screenshot of text messages between Mr. Yates and Mr. Dowless, 1 page	442
14	30 E-mails between Andy Yates and Ms. Harris, 9/24/18, 3 pages	446
15	31 NC SBE Election Contest Details, Statewide, 5/8/18, 7 pages	509
16	32 NC SBE Election Contest Details, Statewide, 11/6/18, 10 pages	529

1

PROCEEDINGS

9:30 a.m.

2                   CHAIRMAN CORDLE:     The second day of our hearing  
3     is under way and I want to call the meeting to order.   Do  
4     you have further witnesses to call, Ms. Strach?

5                   DIRECTOR STRACH:     Yes, Mr. Chairman.   We're  
6     getting a witness right now.

7                   CHAIRMAN CORDLE:     All right.   Thank you.

8                   (Pause)

9                   MR. LAWSON:           Chairman, the witness is on  
10    her way up.

11                  CHAIRMAN CORDLE:     Thank you.

12                  MR. LAWSON:           We just got an update.   Sorry.

13                  (Pause)

14                  CHAIRMAN CORDLE:     Ms. Strach, while we're  
15    waiting for the witness, I notice in the records of the  
16    State Board in connection with this case, there's a letter  
17    from Tom David, the district attorney, dated January 26,  
18    2018.   Is that going to be one of your exhibits in this  
19    matter?

20                  DIRECTOR STRACH:     Yes.

21                  CHAIRMAN CORDLE:     All right.   Thank you.

22                  (The witness comes forward.)

23                  CHAIRMAN CORDLE:     Good morning.

24                  THE WITNESS:          Good morning.

25                  CHAIRMAN CORDLE:     Would you state your name,

1 please, ma'am.

2 THE WITNESS: Michele Maultsby.

3 CHAIRMAN CORDLE: I'm sorry?

4 THE WITNESS: Michele Maultsby.

5 CHAIRMAN CORDLE: Maultsby.

6 THE WITNESS: One L.

7 CHAIRMAN CORDLE: Thank you, ma'am. As the  
8 Chair of this Board, I issued the subpoena requiring you to  
9 attend. I'm now excusing you from that subpoena, and you  
10 are free to leave at any time.

11 You're not required to answer questions, but if  
12 you do, you need to understand these answers are voluntary  
13 and are under oath. Do you understand that?

14 THE WITNESS: Yes.

15 CHAIRMAN CORDLE: Do you have an attorney  
16 representing you here?

17 THE WITNESS: No.

18 CHAIRMAN CORDLE: Well, if you don't understand  
19 a question you're asked by the Board or by the attorneys out  
20 here, you should ask for a clarification. If you don't know  
21 the answer to a question, please say "I don't know," or we  
22 don't want you to speculate or guess

23 THE WITNESS: Okay.

24 CHAIRMAN CORDLE: All right?

25 THE WITNESS: All right.

1 CHAIRMAN CORDLE: Thank you. Maybe you could  
2 stand to be sworn by the court reporter, please.

3 (Whereupon,

4 MICHELE MAULTSBY,  
5 having first been duly sworn, was  
6 examined and testified as follows:

7 CHAIRMAN CORDLE: Thank you, ma'am. You can sit  
8 down, and if you could talk into that microphone to Ms.  
9 Strach.

10 DIRECT EXAMINATION BY DIRECTOR STRACH: 9:36 a.m.

11 Q Good morning, Ms. Maultsby. How are you?

12 A I'm well. Thank you.

13 Q Ms. Maultsby, how long have you been a poll worker  
14 in Bladen County?

15 A I don't know the exact number.

16 Q Do you know how many elections you've worked?

17 A No. It's been quite a few.

18 Q Has it been quite a few?

19 A Uh-huh (affirmative).

20 Q Did you work in the 2016 presidential election?

21 A Yes.

22 Q And did you work in the May primary for the 2018  
23 election?

24 A Yes.

25 Q And then I guess most recently you worked in the

1       2018 general election.

2           A     Yes.

3           Q     Now, do you work at both early voting and at a  
4     precinct on election day?

5           A     Yes, I do.

6           Q     At early voting, I understand, were you the--what  
7     they call the site supervisor or--

8           A     Chief judge.

9           Q     --some people call it the chief judge at the site?

10          A     Yes, ma'am.

11          Q     And did you work that entire one stop period?

12          A     Yes, I did.

13          Q     And I believe that maybe in Bladen County they do  
14     shifts because it was a long day in the 2018 November  
15     election, wasn't it?

16          A     Yes, it was.

17          Q     Do you work the first shift or the second shift?

18          A     The first.

19          Q     So on the last day of early voting you would have  
20     been working the shift that actually worked, correct?

21          A     Yes.

22          Q     And do you recall that day? Do you remember the  
23     last day of early voting?

24          A     Most of it.

25          Q     Was it busy?

1           A     It was really busy.

2           Q     It was busy. And at the end of the day when the  
3     polls were closed, do you remember--were there people in  
4     line?

5           A     I don't remember. I honestly don't remember.

6           Q     But at the time that you closed, there was--  
7     everybody leaves the voting place, correct?

8           A     Correct.

9           Q     And when I talk about closing, that there are  
10    certain things you do at the end of early voting, correct?

11          A     Yes.

12          Q     And before we get to that, do you receive training  
13    from the Bladen County Board of Elections on what you do at  
14    early voting?

15          A     Yes. We have a mandatory meeting.

16          Q     Because the procedures are a little bit different  
17    during early voting than on election day, correct?

18          A     Yes.

19          Q     You do same-day registration during early voting.

20          A     Yes.

21          Q     You don't have that on election day.

22          A     No.

23          Q     So do you have a separate training for election  
24    day?

25          A     You have the same type of thing each time.

1           Q     Okay. So, and you--do you have training on how  
2     you close the polls?

3           A     Yes.

4           Q     And so can you sort of walk us through what your  
5     closing procedures are, especially on the last day of early  
6     voting? What are all the things that the people in the room  
7     do to close out early voting?

8           A     Well, everybody winds up doing whatever. We--  
9     someone--we all have to take all the ballots out of the  
10    machine and close the machine. We have to clean up the room  
11    and gather up all the equipment and take it back to the  
12    Board, and I guess the tape and the memory card and put it  
13    all into the treasure chest, and everything goes back to  
14    the Board.

15          Q     And is it your responsibility to take those things  
16    back to the Bladen Board?

17          A     Yes.

18          Q     And is it your practice that at the end of early  
19    voting, do you close down the polls? Do you know what I  
20    mean when I say "close down the polls and run the tape"?

21          A     Yes.

22          Q     Is that something that you did on the last  
23    Saturday?

24          A     We did. Yes, we did.

25          Q     And is it something that you've done in other

1 elections?

2 A Yes.

3 Q So when this happened on the last Saturday, who  
4 was the person that would run the tape?

5 A It depends on whoever was there, but usually it  
6 was me and one other person who had the key, so we--he pulls  
7 the machine and I was counting the excess ballots.

8 Q And you said "he." So who would be that person?

9 A Mitchell.

10 Q Mitchell. What's Mitchell's full name?

11 A Edwards.

12 Q Mitchell Edwards.

13 A Uh-huh (affirmative).

14 Q So was it Mitchell Edwards?

15 A Yeah, because he was taking the ballots out also,  
16 so he was running the--he did the tape.

17 DIRECTOR STRACH: I'm going to hand you up an  
18 exhibit for you to look at. This exhibit is what number?

19 COURT REPORTER: 18.

20 (Whereupon, Exhibit No. 18

21 was marked for identification.)

22 CHAIRMAN CORDLE: While you're doing that, Ms.  
23 Strach, it's my understanding there was only one voting--  
24 early voting site in Bladen County.

25 THE WITNESS: Yes.

1 DIRECTOR STRACH: Yes, Mr. Chairman.  
2 CHAIRMAN CORDLE: And that would be--  
3 THE WITNESS: At the library.  
4 CHAIRMAN CORDLE: --at the library? And this  
5 on the Saturday before election day--  
6 THE WITNESS: Yes.  
7 CHAIRMAN CORDLE: --is what you're talking  
8 about? Election day being on Tuesday.  
9 THE WITNESS: Election day was Tuesday, yes.  
10 CHAIRMAN CORDLE: All right.  
11 Q Ms. Maultsby, in front of you is--does this look  
12 familiar to you?  
13 (No audible answer)  
14 Q It doesn't look quite like it did on the last day  
15 of early voting, but this--does this look familiar to you?  
16 (No audible answer)  
17 Q And if you'll go to the--the next to the last  
18 page. There's two copies, so look at the next to the last  
19 page. Do you see your signature--  
20 A Yes.  
21 Q --on this page?  
22 A Yes, I do.  
23 Q And so that other signature is Mitchell Edwards,  
24 I assume.  
25 A Yes.

1 Q And then the other is Agnes Willis.  
2 A Yes.  
3 Q Did Ms. Willis also work early voting as well?  
4 A Yes, she did.  
5 Q So as part of your closing, you run the tape.  
6 What do you do with that tape when it's run? Is it on the  
7 table? How do you--what do you do to sign this?  
8 A I signed it on the table where we also had the  
9 ballots.  
10 Q Right. So do you roll this tape out on the table?  
11 A I just--I just open it up so that I can find out  
12 where my names has to sign it and make sure that it's--  
13 that's the only one place that had to be signed.  
14 Q Right. Do you review anything on this tape to  
15 make sure it doesn't say zeros or anything like that? Do  
16 you look at anything on this tape before you sign it?  
17 A No. We did that at the beginning.  
18 Q Right, and at the end do you look to see, to make  
19 sure that, basically, that the votes were actually counted  
20 on that tape?  
21 A No, I didn't have to see it.  
22 Q You didn't look at that?  
23 A No.  
24 Q So on that day when you were signing here and Mr.  
25 Edwards and Ms. Willis were signing, did you see anyone

1 looking at the results on that tape?

2 A Well, I--I didn't--I wasn't there when they  
3 signed. I was there when Agnes signed, but I wasn't there  
4 when Mitchell signed because I was counting the excess  
5 ballots, the unused ballots.

6 So I didn't--so when Mitchell handed me the tape,  
7 you know, to put it away, I had--he gave it to me so I could  
8 sign my name, and then I told Agnes that she had to come and  
9 sign her name.

10 Q And how large would you say the room is that early  
11 voting happens in at the library? Is it a large room?

12 A It's not that large.

13 Q So can you basically see what the other workers  
14 are doing when you're in that room?

15 A If I'm looking, yeah. So I mean, yeah, you can  
16 pretty much see the whole room. It's not that large.

17 Q Okay. Did you see--at any time did you see people  
18 looking at the results tape while you were in the room?

19 A No, I did not.

20 Q You didn't see anyone look at the tape.

21 A No, I did not.

22 Q And you're saying you didn't look at the tape.

23 A No, I really did not.

24 Q And so as the person that takes it back to the  
25 Board of Elections--

1           A    That would be me.

2           Q    --would you--were you the one that would roll it  
3   up and put it, as you say, into the treasure box?

4           A    Into the treasure chest, yes.

5           Q    And what is inside that treasure chest?

6           A    You put the keys from the machine and you put the  
7   memory card and it has the other tape from the beginning of  
8   the elections, and it has those under the seals.

9           Q    Okay, and so it's your job to make sure all those  
10   things are in the treasure box.

11          A    Yes.

12          Q    And then do you go alone back to the Board of  
13   Elections?

14          A    Well, if--yeah, but I had somebody else with me  
15   because I had to drop her home.

16          Q    And the person you had with you, was that someone  
17   else that worked at the Board of Elections?

18          A    Yes.

19          Q    And at early voting?

20          A    Yes.

21                 DIRECTOR STRACH:    I want to hand just one more  
22   document up to you.

23                 CHAIRMAN CORDLE:   While we're waiting on that  
24   document, can you tell me what kind of machine you're  
25   talking about you all were using? A tabulating machine?

1                   THE WITNESS:           Yes.

2                   CHAIRMAN CORDLE:     Do you use a paper ballot?

3                   THE WITNESS:           It's a paper ballot that the

4   ballot--the voters--for the ballots, yes.

5                   CHAIRMAN CORDLE:     And then you put it in a

6   machine--

7                   THE WITNESS:           Yes.

8                   CHAIRMAN CORDLE:     --that tabulated or counted

9   them.

10                  THE WITNESS:          Yes.

11                  CHAIRMAN CORDLE:     And this is the tape that

12  machine produces after the election.

13                  THE WITNESS:          After the election it has

14  everything on it.

15                  MR. BLACK:            Mr. Chairman, could I ask?

16                  CHAIRMAN CORDLE:     Yes, ma'am. Yes, sir.

17                  MR. BLACK:            Do you recall, is this the VS-

18  200 machine? Is that the tabulator you use?

19                  THE WITNESS:         I think that's what it's

20  called, yes.

21                  MR. BLACK:           So it rolls the tape out, and

22  this tape is usually fairly long because you have a long

23  ballot. You kind of roll it out on the table so you can

24  flatten it out because it's kind of heat sensitive type tape

25  that rolls out, so you can roll it out so you can find your

1 place to sign.

2 THE WITNESS: Well, it's pretty much rolled  
3 up anyway because when it comes off the machine, it's kind  
4 of--yes.

5 CHAIRMAN CORDLE: Mr. Black was on the county  
6 Board of Elections in Cabarrus County, so he's been through  
7 a number of these things.

8 THE WITNESS: Oh, okay.

9 (Whereupon, Exhibit No. 19  
10 was marked for identification.)

11 Q Ms. Maultsby, in front of you is a list. This  
12 came from the Board of Elections in Bladen County.

13 A Uh-huh (affirmative).

14 Q And you see the first shift and the second shift.

15 A Yes.

16 Q Can you look at that first shift and can you look  
17 at the names there? Was everybody on that list in  
18 attendance or working on the last day of early voting?

19 A I don't know who Sakeeta Washington--that's the  
20 only one I'm not sure of.

21 Q You're not sure who she is?

22 A Yeah.

23 Q You're not sure who she is or whether she was  
24 working?

25 A Maybe I don't know the name.

1           Q     Okay. Were these the same people that you worked  
2     with every day--

3           A     Yes.

4           Q     --at early voting?

5           A     Yes.

6           Q     And did you know all the people that you worked  
7     with inside the site?

8           A     Yes.

9           Q     You're just not sure--was there--is she--

10          A     Ms. Washington, I'm not sure who Ms. Washington  
11     is.

12          Q     Okay, and do you know--who was it that rode with  
13     you to the Board of Elections?

14          A     That--her name's not on the list here. I think  
15     it was Denise who would also--her name would be--I'm trying  
16     to think of--Andre. It would be Andre. I forgot what her  
17     last name is.

18          Q     Is her name on either shift of those lists?

19          A     No.

20          Q     Was she someone that worked during the entire time  
21     of early voting?

22          A     No. She only worked three days, I think it was.  
23     I think it was her, or either--it was either her or Lottie  
24     Ruffin. It was one of the two of them I rode--we rode  
25     together with.

1           Q     And you rode to early voting and then left early  
2 voting?

3           A     Yes, together.

4           Q     And so when you left, she--it was--either one of  
5 those two ladies was with you.

6           A     Uh-huh (affirmative).

7           Q     And you drove to the Board of Elections.

8           A     Went straight to the Board of Elections. Do not  
9 pass go.

10          Q     That's right, and you had all of your supplies--

11          A     Yes.

12          Q     --with you.

13          A     Uh-huh (affirmative).

14          Q     And who did you give those supplies to when you  
15 arrived at the Board of Elections?

16          A     I think Mitchell went with us also because he's  
17 the man and he would carry the heavy stuff out of the car,  
18 so he was taking the stuff out. I took the treasure chest  
19 and I handed the treasure chest to Cynthia Shaw.

20          Q     Cynthia Shaw?

21          A     Yes.

22          Q     And do you know what Ms. Shaw does with the  
23 treasure chest?

24          A     No, I don't.

25          Q     But does she check to see that everything is in

1 the treasure chest?

2 A I don't know.

3 Q You just--

4 A I handed it to her and--

5 Q And you don't know what she does with it.

6 A Yeah.

7 Q And so--the person that you said--if it's not

8 Lottie, it's--can you tell me that name again?

9 A It's Andre. I'm trying to think of her name, last  
10 name. She--

11 Q Andre?

12 A Or Lewis. O-n-d--like Ondre. It's like Ondre,  
13 but we call her Denise.

14 Q You call her Denise.

15 A Uh-huh (affirmative).

16 Q And she didn't work the entire time.

17 A No, she did not.

18 Q She worked just the last few days?

19 A She worked, I think, three days or so.

20 Q And you've been interviewed by investigators at  
21 our office, correct?

22 A Yes.

23 Q And I think during that interview you told the  
24 investigators that somebody asked you about looking at the  
25 tape, said people wanted to know what was on the tape. Do

1 you recall that?

2 A I remember saying that someone asked me when we  
3 were going in, that--how it would turn out or whatever.

4 Q When you were going in--

5 A When we were going in that morning, they wanted  
6 to know how we were going to do--how we did.

7 Q So were people asking you that at the end of the  
8 day? Were they asking you--

9 A That was a worker. That was--I don't remember if  
10 it was Kristie or whether it was Tojie that said that, you  
11 know, that--you know, either Audrey or Angela wanted to know  
12 how we did that night when we were through.

13 Q And when did that conversation take place?

14 A That was when we were going in that morning, when  
15 we were opening up.

16 Q They were asking you that--somebody wanted to know  
17 when you closed off--up what those results were?

18 A How we did, yeah.

19 Q And were the two people you spoke of, were they  
20 actually one stop workers?

21 A Yes.

22 Q Were they people that were not--

23 A They were--no, they were one stop workers.

24 Q And do you think it would be proper for one stop  
25 workers to be looking at the early voting results, the

1 results of early voting?

2 A I know it's not supposed to be done because I  
3 mean, like I said, I didn't do it, so I don't know what the  
4 procedure is. I've always been taught just roll the tape  
5 up and hand it in. Do not pass go. Just--and that's what  
6 I did.

7 Q And you said you didn't see anyone look at the  
8 results of the tape.

9 A No, I did not.

10 Q Did you hear anyone talking about any of the races  
11 on there and how--

12 A No, I did not.

13 Q So you didn't hear anybody talking about it.

14 A No.

15 Q And you--

16 A No.

17 Q --you didn't see any of the results.

18 A No, I did not.

19 Q And as site supervisor, what would be your  
20 instructions to the workers there about looking at the  
21 results?

22 A "Not on my watch."

23 Q You wouldn't want them on your watch to look at  
24 them.

25 A No, they would not be.

1 Q And you don't believe anyone did.

2 A I don't think so, no.

3 Q Did anyone contact you after the early voting  
4 closed and ask you about any of the results?

5 A No.

6 Q And did--so no one called you. At any time after  
7 that--

8 A No.

9 Q --did anyone call you and ask you about what the  
10 results were, shown on that last day?

11 A No. Only one--Cynthia fired me up about it  
12 because she said, "What about those tapes," but I mean, no.

13 Q What did Ms. Shaw say to you?

14 A She told me, she says, "Who is leaking the report  
15 out?" I said, "Not on my watch; nobody's--I didn't give it  
16 out to anybody."

17 Q And when did Ms. Shaw ask you about reports being  
18 leaked out?

19 A She took me into her office and asked me about it  
20 when I handed her the--when I went in with the treasure  
21 chest.

22 Q That very day?

23 A Uh-huh (affirmative).

24 Q And how long after the polls closed or early  
25 voting closed would it be before you would have arrived at

1 the Elizabethtown office, the Board of Elections office?

2 A After the polls closed?

3 Q Right.

4 A I guess about a hour or so because we have to  
5 clean up and count and separate everything, so, yeah, about  
6 a hour.

7 Q And when you look at this--and you said you don't  
8 know if Sakeeta Washington was there and you do believe that  
9 there was an Andre Lewis there. Was there anybody else in  
10 that room that was not a one stop worker?

11 A No. Not allowed.

12 Q Have you read the affidavit of Agnes Willis?

13 A No, I have not.

14 Q Ms. Willis states that people did view that tape.

15 Are you aware of Ms. Willis viewing that tape?

16 A No, I'm not.

17 DIRECTOR STRACH: That's all my questions.

18 CROSS EXAMINATION BY MR. ELIAS: 9:54 a.m.

19 Q Good morning.

20 A Good morning.

21 Q My name is Mark Elias. I represent Dan McCready.  
22 I have a few follow-up questions. First is what were the  
23 hours of operation on that Saturday for one stop?

24 A It was--I think it was 8:00 to 1:00.

25 Q And the procedure is that as soon as the polls

1 close you close the machine, right?

2 A Yes.

3 Q Was there long lines that day?

4 A It was busy, yeah. It was long lines.

5 Q So how long would you say from past 1:00 p.m.

6 would you say until the last voter voted?

7 A I don't remember. I don't even remember what time

8 we left there. I honestly don't remember.

9 Q Do you have the exhibit in front of you that you

10 were handed?

11 A Yes.

12 Q I just want to ask you one quick question and

13 maybe you can help me understand how this worked. So at the

14 very top it says 13:44:37. That's when the polls closed;

15 is that correct?

16 A Where am I looking?

17 Q The very top corner, left side.

18 A Okay. 13, what time is that?

19 DIRECTOR STRACH: 1:00.

20 A One o'clock?

21 Q 1:44.

22 A 1:44, okay.

23 Q Does that seem about how long it took, 45 minutes?

24 A I guess so.

25 Q And look further down. Do you see where it has

1 the results for District 9 Congressional?

2 A Yes.

3 Q So the first line is Mark Harris. He was the  
4 Republican candidate, correct?

5 A Yes.

6 Q And the second line is Dan McCready. He was the  
7 Democratic candidate.

8 A Yes.

9 Q And then the third line is Jeff Scott, the  
10 Libertarian candidate.

11 A Yes.

12 Q What are the other two lines under that?

13 A Overvotes and undervotes.

14 Q Yeah, so tell me, what is an overvote?

15 A That means that we have more votes than we have  
16 listed here.

17 Q It meant that someone marked their--filled in two  
18 ovals, right? They may have voted for both McCready--

19 A Yes.

20 Q --and Harris?

21 A Yes.

22 Q And then that vote doesn't count, right?

23 A That's true. I think we don't count that.

24 Q And then what's an undervote?

25 A That maybe they didn't go through?

1           Q     So is an undervote when no one voted for that  
2 race; there's no oval filled in?

3           A     I honestly don't know.

4           Q     But whatever they were, there were 78 of those,  
5 right?

6           A     Yes, it is.

7           Q     So it looks like not everybody filled in an oval  
8 for the congressional race.

9           A     If you say so.

10          Q     Do you know Ms. Willis?

11          A     Yes.

12          Q     Do you know her socially or what way do you know  
13 her?

14          A     I've met her though the elections, then I found  
15 out that she's related to my husband.

16          Q     She honest and trustworthy?

17          A     I think so.

18          Q     Any reason why she would not be--why she would not  
19 tell the truth if she swore out an affidavit?

20          A     I don't see why not.

21          Q     So no obvious--no reason that you know of why if  
22 she said that the tapes were viewed by officials who were  
23 not judges, that that would be her best and honest  
24 recollection?

25          A     I guess so, yes.

1           Q     I want to walk through, just so I understand the  
2 sequencing, so Angela and Audrey, were those the two girls  
3 you spoke about earlier?

4           A     Those, yeah. They--Angela and Audrey worked  
5 second shift. They were judges on the second shift.

6           Q     And when did the conversation with them that you  
7 were relating earlier take place?

8           A     That would have been them asking me about it, you  
9 know, during the--when we were opening up. They were just  
10 asking me as general, I guess, because they work, you know,  
11 in the evening time and they didn't work that day, so they  
12 just, you know, wanted to know how things were going with  
13 us, I assume.

14          Q     So they were working the morning shift or the  
15 afternoon?

16          A     The afternoon.

17          Q     So they were asking you--

18          A     They didn't ask me.

19          Q     Sorry. This conversation took place at the  
20 beginning of their shift.

21          A     No. My shift, because they didn't work the second  
22 shift, so they just wanted to know--I guess, you know, we'd  
23 been working together for the last two weeks, and so I guess  
24 they wanted to know how we were doing. That's just what I  
25 assumed.

1           Q     And your understanding about "how we're doing" is  
2 how many voters had voted, what the results were? What do  
3 you understand that to mean?

4           A     That we--we'd been working so hard, you know, and  
5 making sure everything went right, and so that everything  
6 was supposed to be--have a good day.

7           Q     After the machines are closed, the report is run;  
8 is that correct?

9           A     Yes.

10          Q     And then it's locked in the treasure box.

11          A     Yes.

12          Q     And at what point after that, did you have the  
13 conversation with Ms. Shaw?

14          A     When I went back to the office to take--turn in  
15 all my paperwork and to turn in the tape and the memory  
16 card.

17          Q     And at that point, as I understand it, Ms. Shaw  
18 already knew that the report had leaked; is that correct?

19          A     She questioned me about it; she fired me up about  
20 it.

21          Q     That a report had leaked.

22          A     That something--yeah, and she wanted to know who  
23 told something about it, and I said, "Not on my watch. Huh-  
24 uh (negative)."

25          Q     Right, but Ms. Shaw, just to be clear, she wasn't

1 asking you if--she was saying--she wasn't accusing you. She  
2 was saying it had happened, and she wanted to know about it.

3 A And I told her that I didn't know about it, not  
4 on my watch.

5 Q But am I correct in characterizing what Ms. Shaw  
6 was asking you? In other words, was she asking you did it  
7 leak or did she ask why did it leak?

8 A No. She said who was telling it, and I said, "I  
9 don't know." I said, "Not on my watch," that nothing  
10 happened.

11 Q So her question assumed someone had told it. She  
12 just wanted to know who.

13 A Yeah, but like I said, I don't know anything about  
14 that.

15 Q Did she indicate or was it clear from the  
16 conversation which race had leaked?

17 A No.

18 Q Or to whom it had leaked?

19 A No.

20 Q She just knew--

21 A She just fired me up about, you know, not--you  
22 know, just doing what we were supposed to do. She said--  
23 and went back into the office.

24 Q Why were Audrey and Angela there in the morning  
25 if their shift--

1           A    They weren't there.  
2           Q    Okay.  
3           A    They weren't there.  
4           Q    I think I'm still confused on the time line.  
5           A    You're confused, yeah, because--  
6                 (Laughter)  
7           Q    I am confused.  
8           A    Sorry. No, because I said that I don't remember  
9    who was--when we get there early in the morning, it had to  
10   either be Kristie or Tojie because they're the ones that  
11   usually are the first ones there with me when I open up the  
12   doors in the morning.  
13                 And we were just, you know, taking everything into  
14   the office, and they said that, you know, Angela or Audrey  
15   wanted to know how we did at the end of the day. That's  
16   all.  
17           Q    Oh. I see. So Andrea (sic) and Audrey didn't ask  
18   you.  
19           A    No.  
20           Q    It was Andrea and Audrey had asked--  
21           A    One of--yeah, because they worked also--  
22           Q    I asked that--  
23           A    Usually, well, Kristie works night also sometimes.  
24           Q    I see. So they had--Angela or Audrey had asked  
25   one of the other two women who you were with.

1           A       No, it was Audrey--it was Kristie or Tojie that  
2 also, like I said, when we open up in the morning, they  
3 would have been the ones that I would've been talking with  
4 first thing in the morning.

5 Q When you visited Ms. Shaw, that was in the Board  
6 of Elections office, correct?

7 A Yes.

Q And that's where her office was?

9 A Yes.

10 Q Do you recall where the ballot room was, where the  
11 ballots were kept?

12           A     Well, they usually are locked up the back of the  
13 building, so I don't know.

14 Q And you don't know--do you know where the key to  
15 that--

16                   A         No, I don't.

17 MR. ELIAS: I have nothing further.

18 CROSS EXAMINATION BY MR. FREEDMAN: 10:05 a.m.

19 Q Good morning, Ms. Maultsby. My name is David  
20 Freedman. I'm an attorney for Dr. Mark Harris. Now, do you  
21 have Exhibit 19 in front of you?

22 A Yes.

23 Q That's the exhibit with the list of workers? It's  
24 the one that listed, like, the morning shift and the  
25 afternoon shift.

1           A     Yes.

2           Q     And for the people working on--the people on the  
3 morning shift, those are the people that were working that  
4 morning, November 3rd, correct?

5           A     Yes.

6           Q     And we see what their different political  
7 affiliations are.

8           A     Yes.

9           Q     There were six Democrats working that morning,  
10 correct?

11          A     Okay, yes.

12          Q     And two unaffiliates.

13          A     Uh-huh (affirmative).

14          Q     Two unaffiliateds. So there were no--on that  
15 particular morning there were no Republicans that were  
16 working.

17          A     I guess not, no.

18          Q     And you said it was a real busy morning, because  
19 it was the last day of one stop shopping--

20          A     Shopping?

21                 (Laughter)

22          Q     Every time I say that, it comes out the same way.  
23 One stop voting. And they--and people--you finally ran the  
24 tabulation at about 1:44; is that correct?

25          A     That's what it says, yes.

1 Q And tell me again, who actually ran the tape?

2 A Mitchell. Mitchell ran the tape.

3 Q Did you see him run the tape?

4 A I only saw him turn the key, and he was taking the

5 ballots out.

6 Q And do you know how long after he ran the tape,

7 you got access to it?

8 A No.

9 Q It would be in a very short period of time, right?

10 A It was not that long because, you know, like we

11 were all working, and so yeah.

12 Q And when you say "not a long period of time," like

13 five or ten minutes?

14 A No, it was longer than that because I was counting

15 unused ballots, so I mean--

16 Q Fifteen, twenty minutes?

17 A We had six different ballot styles, I think, so

18 I had to count each one of those and make sure everything

19 added up right, and you know, 100 in each pack and whatever

20 there were, so you know, I had to go through each one to

21 make sure that they were counted out right.

22 Q And when you actually got the--where was Mitchell

23 while you were doing that?

24 A He would have been at the first table with the

25 others, all the other workers.

1 Q And that would've been within your line of sight,  
2 correct?

3 A Yeah.

4 Q Because it's--

5 A Yes.

6 Q And you didn't see anything unusual being done at  
7 that table, correct?

8 A No. The tape is running and everybody's doing  
9 their job. I assume that he was just running the tape. I  
10 mean you don't have to do anything.

11 Q It just runs itself.

12 A Yes.

13 Q And when you got it, it was still sort of in a  
14 circular fashion; is that correct?

15 A Yeah, when I got it, it was still circular because  
16 I had to open it up to sign my name.

17 Q All right, so there was no indication that anybody  
18 had laid it out or, you know, had straightened it out?

19 A I didn't see that at all, no.

20 Q The condition you received it in was the same  
21 condition that the machine would've spit it out?

22 A Yes.

23 Q And you didn't--did you ever see like a group of  
24 people gathered at one spot or was everyone just sort of  
25 doing their job?

1           A     Everybody was doing their job, I assume, yeah.

2           Q     And then once you got the tape, you kept the tape  
3     in your possession till you locked it in the ballot box,  
4     right?

5           A     Yes, I did.

6           Q     And at no time did you see anyone look at that  
7     tape; is that right?

8           A     No, I didn't.

9           Q     And you were asked about--you know--do you know  
10    Agnes Willis?

11          A     Yes, I do.

12          Q     And you say you are now related to Ms. Willis  
13    through marriage?

14          A     Everybody in Bladen County is related.

15                 (Laughter)

16          Q     And you were asked a question--the officials were  
17    not viewing that tape, correct?

18          A     There's no officials there, no, other than--

19          Q     So if she said the tape was run and officials were  
20    viewing the tape who were not the judge, that would not be  
21    correct.

22          A     That would not be correct. There was no officials  
23    there other than the three judges.

24          Q     So if Ms. Willis said that in an affidavit, and  
25    you know her to be a good person, and so if she said that

1       in this affidavit, she just must be mistaken.

2           A     It must have been a mistake because there was  
3   nobody else there.

4           Q     So that couldn't have happened.

5           A     Not on my watch.

6           Q     Not on your watch. And how long have you worked  
7   at the one stop voting?

8           A     I know it's got to be at least ten years, five to  
9   ten years.

10          Q     And in all of your time at the one stop voting,  
11   you've not seen any problems when you've done that.

12          A     Never. Never.

13          Q     And that was true for the general election for  
14   November of '18; there was no problems at the one stop--

15          A     No.

16          Q     --voting place, was there?

17          A     There wasn't.

18            MR. FREEDMAN:        Let me just have a minute.

19            (Pause)

20            MR. FREEDMAN:        Thank you. I have no further  
21   questions.

22            DR. ANDERSON:        I have a couple of questions.

23            Ms. Maultsby--and correct me if I'm wrong. What  
24   I heard you testify to sounded that Ms. Shaw or whoever did  
25   the training, that it seemed standard procedure for the key

1 to be turned, the polls closed--

2 THE WITNESS: Yes.

3 DR. ANDERSON: --after everybody who had been  
4 in line had voted--

5 THE WITNESS: Right.

6 DR. ANDERSON: --the tape run.

7 THE WITNESS: Yes.

8 DR. ANDERSON: Do you understand now that  
9 that should not have been the procedure?

10 THE WITNESS: I didn't know it until after  
11 I was told by one of the election officials.

12 DR. ANDERSON: Right.

13 THE WITNESS: Uh-huh (affirmative).

14 DR. ANDERSON: So the purpose for the  
15 procedures being such that the tape is not run until the  
16 Board itself meets on election day is to prevent the very  
17 thing that Ms. Shaw apparently believed had happened when  
18 she said, "Who leaked the report?"

19 THE WITNESS: Right.

20 DR. ANDERSON: So when Ms. Shaw--and it's  
21 clear that the tape was run at 1:44--

22 THE WITNESS: Yes.

23 DR. ANDERSON: --and should not have been  
24 run. I'm not saying you did wrong.

25 THE WITNESS: Yes.

1                   DR. ANDERSON:         It sounds as though you were  
2 instructed, along with others, that this is the way it's  
3 done; this is what you need to do. Is that correct?

4                   THE WITNESS:         Yes.

5                   DR. ANDERSON:         Were you surprised when Ms.  
6 Shaw said, "Who leaked the report?"

7                   THE WITNESS:         Yes, I was.

8                   DR. ANDERSON:         So between 1:44 and you  
9 getting into the Board of Elections office, it might have  
10 been about an hour? You were closing up and--

11                  THE WITNESS:         I think so. About an hour.

12                  DR. ANDERSON:         And Ms. Shaw presumably had  
13 heard something--

14                  THE WITNESS:         Evidently, yes.

15                  DR. ANDERSON:         --in that time. So you only  
16 learned that it's improper to run the tape on that Saturday  
17 once you talked with Kim or--

18                  THE WITNESS:         Yes.

19                  DR. ANDERSON:         --Ms. Fleming.

20                  THE WITNESS:         Yes.

21                  DR. ANDERSON:         Thank you.

22                  MR. BLACK:            Mr. Chairman, I have a couple  
23 of questions.

24                  You stated that you closed the polls on Saturday,  
25 but it seems as though I read in an affidavit that you said

1 this has kind of been a standard procedure.

2 THE WITNESS: Yes, that's the way we  
3 normally do. We close the polls--

4 MR. BLACK: This is not the first year  
5 that you had closed the polls at one o'clock.

6 THE WITNESS: This is only the first year  
7 I had to do it because usually I'm not a judge.

8 MR. BLACK: But closing the polls on the  
9 one stop on Saturday was not something that was--this was  
10 the first time; this had been done before?

11 THE WITNESS: It's always--I mean I assume,  
12 yes, I mean.

13 MR. BLACK: Okay. I noticed too that your  
14 shifts ended at one o'clock, but you said Mitchell was the  
15 one who ran the tape. So did he stay past his shift?

16 THE WITNESS: We all do. You have to,  
17 because, I mean, after it's closed up, we have to break down  
18 the room and put it back the way it was.

19 MR. BLACK: Did any of the second shift  
20 workers come in?

21 THE WITNESS: No. They weren't there.

22 MR. BLACK: That's all.

23 CHAIRMAN CORDLE: Ms. Strach, do you have any  
24 further questions?

25 DIRECTOR STRACH: I just have one clarifying

1 question.

2 REDIRECT EXAMINATION BY DIRECTOR STRACH: 10:15 a.m.

3 Q Ms. Maultsby, you said you worked on election day  
4 as well.

5 A Yes, I do.

6 Q Is there any other time that you go into the Board  
7 of Elections after the end of early voting?

8 A Huh-uh (negative). No.

9 Q Do you have to go and pick up supplies? Are you  
10 a chief judge at your precinct?

11 A Yes, I am.

12 Q So do you have to go into the Board of Elections  
13 to get your supplies for election day?

14 A Yes.

15 Q And when do you do that?

16 A It's usually the day before.

17 Q Did you see Cynthia Shaw on the Monday before  
18 Election Day?

19 A I don't remember. I don't know.

20 Q So it's possible you could've spoken to Ms. Shaw  
21 at that time, or you don't remember?

22 A No. I spoke to her that night, I know.

23 Q It was the day of early voting.

24 A Yes. I know I spoke with her at the--that  
25 Saturday. I don't remember if I spoke to her Monday or not.

1 Q And I'm asking--the polls close--

2 A It could've been. I'm not sure now.

3 Q Do you remember who you picked up your supplies  
4 from? Do you have--is there a certain protocol you have  
5 when you go pick up the supplies on Monday?

6 A Yes. You had to sign on for it, yes.

7 Q And who usually handles that in the office?

8 A Valaria (phonetic spelling), I think.

9 Q Valaria?

10 A Yes.

11 Q And so you don't recall if you spoke with Valaria  
12 or Cynthia Shaw or Gina Ward?

13 A Knowing me, I probably spoke to all three if they  
14 were there.

15 Q That's good. And at the end--on election night,  
16 since you're a chief judge, are you the person that brings  
17 things back to the Board of Elections?

18 A Yes, I did.

19 Q Do you recall on election night who you spoke to?  
20 I'm sure it was busy around there, but do you remember?

21 A I think I spoke with Gina about--because I handed  
22 off the tape and the memory card and stuff like that again,  
23 and the keys and everything.

24 Q Which precinct do you work?

25 A Bladenboro number 2.

1 DIRECTOR STRACH: Thank you.

2 CHAIRMAN CORDLE: Yes, sir, Mr. Gilkeson.

3 MR. GILKESON: Just one question which is  
4 probably obvious, but your entire work--election work is  
5 only in Bladen County, right?

6 THE WITNESS: Yes.

7 MR. GILKESON: You don't do any work in  
8 Robeson County.

9 THE WITNESS: No.

10 MR. GILKESON: And none of the things you  
11 testified to have anything to do with Robeson County.

12 THE WITNESS: No.

13 MR. GILKESON: Thank you.

14 CHAIRMAN CORDLE: Yes, sir.

15 RECROSS EXAMINATION BY MR. FREEDMAN: 10:18 a.m.

16 Q So based upon the questions from Ms. Strach, is  
17 it possible you could have talked to Ms. Shaw about this on  
18 Monday, or do you feel you talked to her about it on  
19 Saturday?

20 A Now I'm not sure. I honestly am not sure.

21 Q You know you had the conversation with her--

22 A Yes, sir.

23 Q --sometime after you closed the box and before  
24 election day; is that correct?

25 A I believe so, yes.

1 Q You're just not quite sure when in that period of  
2 time you talked to her.

3 A Right.

4 MR. FREEDMAN: That'd be it.

5 CHAIRMAN CORDLE: We will release you and thank  
6 you very much for your testimony.

7 Call your next witness please.

8 (Witness leaves the stand.)

9 CHAIRMAN CORDLE: Thank you very much.

10 DIRECTOR STRACH: Mr. Chair, we're going to call  
11 Coy Mitchell Edwards.

12 (Witness comes forward.)

13 CHAIRMAN CORDLE: Good morning. Could you state  
14 your name please.

15 MR. EDWARDS: Coy Mitchell Edwards.

16 CHAIRMAN CORDLE: And where do you live, Mr.  
17 Edwards?

18 MR. EDWARDS: Clarkton, Bladen County.

19 CHAIRMAN CORDLE: In Clarkton. As the Chair,  
20 I issued the subpoena requiring you to attend this hearing.  
21 I now excuse you from that subpoena, and you're free to  
22 leave at any time. You're not required to answer questions,  
23 but if you do, these answers are voluntary and are under  
24 oath. Do you understand that?

25 MR. EDWARDS: Yes, sir.

1                   CHAIRMAN CORDLE:     Do you have an attorney  
2   representing you here?

3                   MR. EDWARDS:         No, sir.

4                   CHAIRMAN CORDLE:     If you don't understand a  
5   question, please ask for clarification, and if you don't  
6   know the answer, you're welcome to say, "I don't know," or  
7   we would like you not to speculate or guess about answers.

8                   And if that's okay, we would like to get you sworn  
9   in please by the court reporter. If you would put your hand  
10   on the Bible and raise your right hand.

11                  (Whereupon,

12                  COY MITCHELL EDWARDS,

13                  having first been duly sworn, was  
14                  examined and testified as follows:

15                  CHAIRMAN CORDLE:     Thank you, sir. You can be  
16   seated. Ms. Strach.

17   DIRECT EXAMINATION BY DIRECTOR STRACH:           10:21 a.m.

18                  Q      Good morning, Mr. Edwards. How are you?

19                  A      Good.

20                  Q      Mr. Edwards, how long have you lived in Bladen  
21   County?

22                  A      All my life.

23                  Q      All of your life. In Clarkton?

24                  A      Well, Bladenboro and Clarkton.

25                  Q      And how long have you been a poll worker, either

1       early voting one stop worker or election day worker?

2           A     I retired five years ago. I started working once  
3     I retired. So about five years.

4           Q     And do you work both one stop early voting and do  
5     you work in a precinct on election day?

6           A     Yes, ma'am.

7           Q     And do you serve as a chief judge or one of the  
8     judges in your precinct?

9           A     I think this is the first time I've been a judge.  
10    I usually am just the worker.

11          Q     And do you recall receiving training by the Bladen  
12   County Board of Elections?

13          A     Yes, ma'am.

14          Q     And do you receive it prior to every election when  
15   you've worked?

16          A     Yes, ma'am.

17          Q     And as part of that training for early voting, do  
18   you have training on how to end one stop early voting, or  
19   close the polls?

20          A     Yes, ma'am.

21          Q     And is part of that training--has it been to run  
22   the tapes at the end of the night or the end of the day, at  
23   one o'clock?

24          A     Yes, ma'am.

25          Q     And in this recent November election, were you the

1 person that was running the tape?

2 A Yes, ma'am.

3 Q Do you remember on that day, was it a busy day,  
4 the last day of early voting?

5 A Not really busy. So-so. Pretty average.

6 Q Were there people in line when it was time to  
7 close?

8 A I don't think so.

9 Q You don't think so.

10 A No.

11 Q Hold on a second. I'm going to give you a  
12 document to look at. I think it's in front of you. You  
13 should see an exhibit that's Exhibit 18. Do you see that  
14 in front of you?

15 COURT REPORTER: I have it.

16 DIRECTOR STRACH: Oh, you have it? Okay.

17 (Document handed to the witness.)

18 CHAIRMAN CORDLE: Do you want 17 and 18?

19 COURT REPORTER: Did you say 17 and 18?

20 DIRECTOR STRACH: 17 and 18.

21 COURT REPORTER: Here's 17.

22 (Document handed to the witness.)

23 CHAIRMAN CORDLE: I think you really want 18 and  
24 19.

25 DIRECTOR STRACH: 18 and 19. Sorry, Mr.

1 Chairman.

2 (Document handed to the witness.

3 Q Mr. Edwards, I know it doesn't look like it does  
4 when it comes out of the machine, but does this--if you look  
5 at this, does this look familiar to you?

6 A Yes, ma'am.

7 Q And do you recall at the end of early voting  
8 running that tape? Do you recall that happening this past  
9 election?

10 A Yes, ma'am.

11 Q And do you recall--when you run the tape,  
12 obviously you see your signature on the end of that tape,  
13 correct?

14 A Right.

15 Q How do those signatures get on there? Do you roll  
16 the tape out on the table? How does that work?

17 A Well, once the election's over, we shut the  
18 machine off, and it prints out. And then I tear it off, and  
19 I put it on the table and rolled it out to where I can sign  
20 off on it, and then I signed off and Agnes and then Michele.

21 Q And do you all--are you all there about the same  
22 time signing?

23 A Usually I'm first because I get it out, and then  
24 usually Agnes and then Michele.

25 Q Do you roll the entire tape out?

1           A     Just the part I need.

2           Q     So the part you need would be the very end of the  
3     tape, correct?

4           A     Right.

5           Q     So were you able to see any results that day?

6           A     I looked at the sheriff's race.

7           Q     You looked at the sheriff's race?

8           A     Yeah. I just happened to spot that, and that was  
9     the only one I recall.

10          Q     You were not able to see any other races?

11          A     I wasn't--

12          Q     Were you able to see the congressional race?

13          A     No, ma'am.

14          Q     Were there other people in the one stop site that  
15     were able to look at those results as well?

16          A     Usually when we shut down, everybody's got a job  
17     they do, and they go at it. And my job in that case was to  
18     get the tape out, and then once it quit printing, and then  
19     the thumb drive, then we signed off on it, and then we put  
20     it in the box, the plastic container, and that goes to the  
21     Board.

22          Q     Can you look in front of you at Exhibit 19?

23                 (Pause)

24          Q     Mr. Edwards, according to this, you always worked  
25     the first shift, is that correct, at early voting?

1           A     I did.

2           Q     And is that--when it's first shift, that means  
3     every day of early voting, you're going to work the first  
4     part of the day.

5           A     Right.

6           Q     Does the list that you see there, does it  
7     accurately reflect the individuals that were in the room  
8     that day?

9           A     Yes, ma'am.

10          Q     Was Sakeeta Washington in the room?

11          A     I don't think so.

12          Q     Do you know who she is?

13          A     I don't.

14          Q     And do you know an Andrea, I believe, Edwards, or  
15     Denise I think they--she may be referred to?

16          A     Audrey?

17          A     No. Is there anyone--do you recall anyone being  
18     present at the last day of early voting inside after the  
19     polls closed that's not on that list?

20          A     No, I don't think so.

21          Q     So other than Sakeeta Washington, which you say  
22     you don't know her, are all the other people on that list,  
23     were they present?

24          A     To the best of my knowledge.

25          Q     Mr. Edwards, if anyone--if you signing, did anyone

1 ask you about the results? I know that the sheriff's race  
2 was--

3 A No, ma'am.

4 Q --a big deal going on, so no one asked you about  
5 that race?

6 A No, ma'am.

7 Q And did you hear any discussion about any of the  
8 races?

9 A No, ma'am. Pretty much, like I said, when we  
10 would--the day is over, everybody goes into working mode.  
11 They've got a certain thing they do, and that's what we do.

12 Q And Mr. Edwards, since you say that you did see  
13 the sheriff's race, when you went home that day, did you  
14 tell anyone what those results were?

15 A No, ma'am.

16 Q Did anybody ask you what those results were?

17 A No, ma'am.

18 Q Mr. Edwards, they said that possibly you also  
19 accompanied Ms. Maultsby back to the Board of Elections;  
20 you drove because you were able to sort of carry some of the  
21 heavier things. Did you do that on the last day of early  
22 voting?

23 A On the last day I usually help her out, right.

24 Q Did you do that in this past election?

25 A I did.

1 Q Did you go inside the Board of Elections?  
2 A I think I helped her carry stuff in.  
3 Q Did you see Cynthia Shaw when you went in?  
4 A I can't remember if she was there or not.  
5 Q Did she say anything to you about results being  
6 leaked?  
7 A No, ma'am.  
8 Q At any point did anyone contact you about results  
9 being leaked?  
10 A No, ma'am.  
11 Q Do you work on election day? You said you worked  
12 on election day as well.  
13 A Yeah.  
14 Q Are you someone that goes into the Board of  
15 Elections the day before election day to pick up supplies?  
16 A Sometimes I have helped Alice, but I think she  
17 handled it; she done all of it.  
18 Q So you don't remember if--you don't know if you  
19 went in or do you know if you went into the Board of  
20 Elections?  
21 A I didn't go in for this one because she pretty  
22 much handles all that, and then we get out in time enough  
23 to help her set everything up--  
24 Q Early Tuesday morning.  
25 A --on that Tuesday morning.

1           Q     And at the end of the night on election day, do  
2 you carry things back to the Board of Elections?

3           A     Alice.

4           Q     Alice does that.

5           A     Yeah.

6           Q     So she carries the tapes--

7           A     Everything back.

8           Q     --and the supplies--

9           A     Yeah.

10          Q     --ballots, everything back--

11          A     Everything.

12          Q     --to the Board of Elections. You don't do that.

13          A     Huh-uh (negative).

14          Q     Did you have any discussions with anyone that  
15 works with the Board of Elections about early voting  
16 results?

17          A     Huh-uh (negative).

18          Q     Has it been your practice in every election that  
19 you've worked to run that tape at the end of the night?

20          A     Pretty much I--yeah.

21          Q     Is that part of your training?

22          A     Right.

23          Q     And you recognize now that that is not how we do  
24 it; that we don't run the results at the end of the night?

25          A     I haven't been told that, until you just--

1 Q I think you will be.

2 A Well.

3 DIRECTOR STRACH: That's all my questions.

4 THE WITNESS: Thank you

5 CROSS EXAMINATION BY MR. ELIAS: 10:31 a.m.

6 Q Good morning. My name is Mark Elias. I'm a  
7 lawyer for Dan McCready. Thank you for being here. I have  
8 just a handful of questions for you. Do you know McCrae  
9 Dowless?

10 A I've heard the name. Personally I do not know  
11 him.

12 Q When you said you looked at the sheriff's race,  
13 was that because you had particular interest in the  
14 sheriff's race?

15 A Curious. But it seemed like when I was--you know,  
16 when that thing runs out, it curls up, and when I was, you  
17 know, going through it, I just happened to see it and  
18 noticed. It wasn't like I was looking for it.

19 Q I just want to understand this. You put the--the  
20 tape back? Yeah, this is Exhibit--I don't want to guess  
21 wrong.

22 MR. BERKON: 18.

23 MR. LAWSON: 18.

24 Q --18. So we're on the first page.

25 MR. ELIAS: I realize--I assume you don't

1 have this in its original here.

2 DIRECTOR STRACH: We can get it.

3 MR. ELIAS: Could you? Because it might  
4 help the witness.

5 MR. LAWSON: It's about--it'd be about 20  
6 minutes to get to the office.

7 MR. ELIAS: Let's see if we can do it  
8 without it.

9 Q So this is the beginning of the tape, right? Is  
10 that right, that first column?

11 A Right.

12 Q And then the second column would be a continuation  
13 of the tape?

14 A Right.

15 Q And then the third column would be a continuation  
16 of the tape.

17 A Right.

18 Q Next page. And then the fourth column would be  
19 a continuation of the tape, right?

20 A Right.

21 Q And then if you look at the top of the fourth  
22 column, there is the sheriff's race, right?

23 A Right.

24 Q And then the fifth column is then a continuation  
25 of the tape, right?

1           A     Right.

2           Q     And then the sixth column is a continuation of the  
3   tape, right?

4           A     Right.

5           Q     And then the last page--and then the seventh  
6   column is a continuation of the tape, right?

7           A     Yes.

8           Q     So just if this was one long continuous tape--and  
9   I'm going to hopefully avoid having to bring it--the  
10   sheriff's race is smack dab in the middle; is that right?

11          A     Wherever it's at.

12                MR. ELIAS:           Well, that may not be good  
13   enough. We may need the tape because I actually want to--  
14   unless the other side will stipulate to fact that it is  
15   smack dab in the middle.

16                MR. FREEDMAN:       We will stipulate that it's  
17   smack dab in the middle.

18                CHAIRMAN CORDLE:    It is on Page 3 or 4 of 6.

19                MR. ELIAS:           We'll let the Chair take  
20   judicial notice of that.

21           Q     So the sheriff's race is--you've got this curled  
22   up printout and the sheriff's race is right in the middle.  
23   So if you didn't flatten it out, how would you have just  
24   come across the sheriff's race without the others?

25          A     Well, when you take it out and it rolls up and

1 you kind of pull it and you start, and that's probably right  
2 in the middle. You know, like I say, I didn't look for it,  
3 but I saw it, and it registered. But I didn't like funnel  
4 through it to see where it was at.

5 And then I kept going down till I got to where we  
6 sign, and that's where I stopped it at, and then we signed  
7 off on it.

8           Q       When the tape prints out, it prints from the top  
9       to the bottom, so the signature part would be--you wouldn't  
10      have to unfurl much, right, because it'd be right there at  
11      the bottom of the tape. It wouldn't be on the inside of the  
12      curl, right? It'd be on the outside of the curl.

13           A     When it quits printing and you tear it off, it  
14   curls up.

15 Q Right.

16 A So you got to unfold it somehow.

17 Q But the top of the curl, right, the part that is  
18 the most--that is exposed on the outside of the curl is the  
19 bottom of the tape: is that correct?

20 A Wherever we sign at, that's what I was looking  
21 for.

22 Q Right, but that--we may just need the tape.

23 DR. ANDERSON: Can I ask a clarifying  
24 question, Kim?

25 DIRECTOR STRACH: Absolutely.

1                   DR. ANDERSON:         Is it the case that there are  
2     two distinct places on the tape where they have to sign?  
3     Because the materials that I have here--everything's  
4     repeated twice. Am I mistaken that--it's just two copies.

5                   DIRECTOR STRACH:      It's two copies. Yes.

6                   DR. ANDERSON:         So the tape in its total  
7     really had what's laid out here in seven columns, and  
8     there's only the place for them to sign at the end?

9                   DIRECTOR STRACH:      That's correct. Right.

10                  DR. ANDERSON:         Would the zero tape be  
11    separate from this?

12                  DIRECTOR STRACH:      Should be--when we get it, it  
13    should be at the top.

14                  DR. ANDERSON:         Right.

15                  DIRECTOR STRACH:      Right.

16                  DR. ANDERSON:         And they would've signed  
17    there.

18                  DIRECTOR STRACH:      They would sign that at the  
19    very beginning.

20                  DR. ANDERSON:         Verifying the zeros.

21                  DIRECTOR STRACH:      Yes.

22                  DR. ANDERSON:         Right.

23                  DIRECTOR STRACH:      The first day, and then they  
24    wouldn't sign again until the Board members sign at the  
25    absentee meeting on election day.

1                   DR. ANDERSON:         So the whole thing, once it's  
2 torn off, as he's indicated, is going to include the stretch  
3 that's the zero tapes that they had previously signed and  
4 the tape of the results. So it's going to be long, right?

5                   DIRECTOR STRACH:      It is long.

6                   DR. ANDERSON:         The reason why I ask is I've  
7 done this as well as a board member, a county board member,  
8 and when you lift that tape up, it's not necessarily in the  
9 form that you've suggested with the top of the curl, the end  
10 of it being right there. That's all I'm saying.

11                  MR. ELIAS:            That's why it's helpful to see  
12 the original.

13                  DIRECTOR STRACH:     We'll get the tapes and see  
14 how the--

15                  MR. ELIAS:            While we're waiting, just a  
16 few other questions.

17   CROSS EXAMINATION BY MR. ELIAS (continues):

18                  Q     Do you know Jim McVicker?

19                  A     Yes. Well, not personally. I just know he's  
20 sheriff.

21                  Q     I'm not asking who you voted for; I don't want to  
22 know, but were you a supporter of Mr. McVicker? It would  
23 appear to me--

24                  MR. FREEDMAN:        I would object.

25                  CHAIRMAN CORDLE:     I don't think--

1                   MR. FREEDMAN:         Apparently Mr. Elias wanted  
2     to protect the constitution when I asked the question, so  
3     I would--

4                   CHAIRMAN CORDLE:      I would say that question is  
5     out of order. Strike it. You don't need to answer that.

6                   THE WITNESS:          Thank you, sir.

7                   CHAIRMAN CORDLE:      It wasn't as bad as your  
8     question as to fairness.

9                   MR. ELIAS:             I specifically said I didn't  
10   want to know. He specifically asked who they voted for.

11                  CHAIRMAN CORDLE:      We have to keep everybody  
12   awake sometimes.

13                  (Pause)

14                  CHAIRMAN CORDLE:      I think we need to go on while  
15   we're waiting for the tape. Do we have another--are we  
16   through with questions until we get the tape?

17                  MR. ELIAS:             The only questions I have that  
18   remain relate to the tape.

19                  CHAIRMAN CORDLE:      Well, can we call another--

20                  DIRECTOR STRACH:      Do you want me to call another  
21   witness?

22                  CHAIRMAN CORDLE:      Yes, if we could.

23                  DIRECTOR STRACH:      Or wait, Mr. Freeman?

24                  MR. FREEDMAN:         I don't mind asking questions  
25   while we wait for the tape. That would be better.

1 CHAIRMAN CORDLE: Oh, okay. I'm sorry.

2 CROSS EXAMINATION BY MR. FREEDMAN: 10:40 a.m.

3 Q Mr. Edwards, good morning.

4 A Good morning.

5 Q My name is David Freedman. I represent Dr. Mark  
6 Harris. Have you--how many time--you'd worked in 2016 as  
7 a poll workers; is that right?

8 A Yes.

9 Q And had you worked on other occasions as well or  
10 was that the first?

11 A I've been working the polls since--well, the last  
12 five years.

13 Q The last five years?

14 A Yes.

15 Q And you've been a judge for what period of time?

16 A Well, I think that's the first time. Ordinarily  
17 I'm not a judge, so I wouldn't have been there to sign off,  
18 but the way they kind of--

19 Q Had you ever signed off--so you've not signed off  
20 before.

21 A I don't think so.

22 Q And you--were you instructed to run off the tape  
23 then or did you just do--it felt like that was the thing you  
24 were supposed to do?

25 A That's the way we've been doing it.

1           Q     That's the way you've been doing it. That's the  
2 way you've seen done in the past.

3           A     Right.

4           Q     And nobody had ever taken exception within the  
5 past--for the four or five elections you've worked; is that  
6 correct?

7           A     Right.

8           Q     So--and nobody--I believe, as you stated, until  
9 just now, nobody told you you can't do it that way; is that  
10 right?

11          A     Right.

12          Q     So you ran out the tape, you looked smack dab in  
13 the middle of the tape, and there was the sheriff's race.

14          A     Well, that just happened to be where I looked.

15          Q     It just happened that you were holding it like  
16 that; you went straight to the middle?

17          A     Well, like I said, I wasn't looking for it, but  
18 when I saw it, it registered, and--but I didn't just linger.  
19 I went on, you know.

20          Q     And you didn't roll it out. You didn't, like,  
21 flatten the tape out.

22          A     Well, I got to the point where we had to sign off.

23          Q     Just to sign off. That's like the end of the  
24 tape.

25          A     Right.

1           Q     You could flatten that part out. And you weren't  
2 showing it to anybody.

3           A     No, sir.

4           Q     You wouldn't show it to anybody.

5           A     No. Well, just the ones that had to sign off on  
6 it.

7           Q     Just the--just--all you would show to other people  
8 was just the portion at the end for the signature, correct?

9           A     Well, that's all that was--

10          Q     That right?

11          A     Right.

12          Q     That's all. That's all. Any--other than you  
13 looking--and you didn't share with anyone what you saw about  
14 the sheriff's race.

15          A     No, sir.

16          Q     So--and there was nobody looking over your  
17 shoulder when you pulled it out.

18          A     Not--no, sir. Everybody--like I say--

19          Q     Everyone's got a job.

20          A     They've got their job, and they wanted to get out  
21 of there.

22          Q     So how long did you have that tape in your  
23 possession?

24          A     Not but a couple of minutes.

25          Q     And then you gave it to Ms. Maultsby; is that

1 right?

2 A Folded it up once she signed off on it, and it  
3 goes into a little box, that and the thumb drive.

4 Q And other than the people signing at the bottom  
5 of that--signing at the bottom of the tape, nobody saw  
6 anything on that tape.

7 A Shouldn't.

8 Q Well, not on your watch anyway.

9 A Not on my watch.

10 Q And you were not able--you didn't--you were asked  
11 if you were able to see the congressional race. You weren't  
12 looking for any races, were you?

13 A No, sir.

14 Q You just volunteered that information when you  
15 talked to Ms. Strach because you wanted to be honest.

16 A Right.

17 Q And you've given--the same information that you're  
18 giving here today on the witness stand is what you told Ms.  
19 Strach, correct?

20 A Right.

21 Q And you've taken an oath to tell the truth here.

22 A Right.

23 Q And that's what you're doing.

24 A To the best of my knowledge, yeah.

25 MR. FREEDMAN: I've got no further questions.

1 CHAIRMAN CORDLE: Yes, Bill.

2 MR. GILKESON: Bill Gilkeson, representing  
3 Vanessa Burton. Just the standard question.

4 Everything you've testified about has to do with  
5 Bladen County only. You only worked election--did election  
6 work in Bladen County, right?

7 THE WITNESS: Yes, sir.

8 MR. GILKESON: And not in Robeson County.

9 THE WITNESS: Right.

10 MR. GILKESON: Thank you.

11 CHAIRMAN CORDLE: If there are no further  
12 questions now, we will let this witness, Mr. Edwards, step  
13 down and wait till we get the tape.

14 MR. FREEDMAN: We take no exception to Mr.  
15 Elias's description about the tape.

16 CHAIRMAN CORDLE: You take no exception.

17 MR. FREEDMAN: Right. I mean we don't  
18 disagree with his description of the tape.

19 MR. ELIAS: I don't know that I've offered  
20 a description. I've asked questions, but I'm happy to  
21 describe it and see if he doesn't want to take issue.

22 CHAIRMAN CORDLE: Why don't we let Mr. Edwards  
23 step down, go outside, and get the tape here, and then see  
24 if we have any further questions for him, and bring another  
25 witness in while he's there. Thank you, Mr. Edwards.

1                             (The witness exits the stand.)

2                             (Pause)

3                             CHAIRMAN CORDLE:     While we're waiting here, I  
4     think you folks ought to know that I have on my Davidson  
5     Wildcats tie today because the Wildcats play on television  
6     at six o'clock tonight. So I'm hoping we'll be out of here  
7     by then.

8                             MR. ELIAS:                 On behalf of our side, hope  
9     springs eternal.

10                          (Pause)

11                          CHAIRMAN CORDLE:     Good morning. Would you state  
12    your name please, ma'am.

13                          MS. WILLIS:                 Agnes Willis.

14                          CHAIRMAN CORDLE:     Ms. Willis, as the Chair of  
15    this Board, I issued a subpoena requiring you to attend this  
16    hearing. I now excuse you from that subpoena, and you are  
17    free to leave at any time. You're not required to answer  
18    questions, but if you do, these answers are voluntary and  
19    are under oath. Do you understand that?

20                          THE WITNESS:              Yes, sir.

21                          CHAIRMAN CORDLE:     Do you have an attorney  
22    representing you here today?

23                          THE WITNESS:              No, sir.

24                          CHAIRMAN CORDLE:     Okay, and if you don't  
25    understand a question, please ask for clarification.

1                   THE WITNESS:         I will.

2                   CHAIRMAN CORDLE:     And if you don't know the

3     answer, you may say so, and please don't guess or speculate.

4                   THE WITNESS:         Okay.

5                   CHAIRMAN CORDLE:     Do you understand?

6                   THE WITNESS:         Yes, sir.

7                   CHAIRMAN CORDLE:     Thank you. Would you please

8     stand and put your hand on the Bible and raise your right

9     hand for the court reporter to give you the oath.

10                  THE WITNESS:         Okay.

11                  (Whereupon,

12                  AGNES WILLIS,

13                  having first been duly sworn, was

14                  examined and testified as follows:

15                  CHAIRMAN CORDLE:     Thank you, ma'am. Ms. Strach,

16     your witness.

17     DIRECT EXAMINATION BY DIRECTOR STRACH:           10:48 a.m.

18     Q     Good morning, Ms. Willis. How are you?

19     A     I'm well. How are you?

20     Q     I'm good. Thank you. How long have you lived in

21     Bladen County?

22     A     Well, I lived in Bladen County from 1952 to 2000

23     and--no, not from--to 1986, and then I moved away. I lived

24     in Henderson, which is north (sic) of the Virginia line.

25     I retired from Belk's Department Store of 20 years. I moved

1 back to Bladen County in 2006.

2 Q When was the first time you ever worked in an  
3 election? Was it in Bladen County or was it when you were  
4 living in Henderson?

5 A No, it was in Bladen County.

6 Q In Bladen County.

7 A Yes.

8 Q And when was the first time you worked an election  
9 in Bladen County?

10 A I think when I moved back here, Marsha White knew  
11 that I had. We went to school together, and she knew that  
12 I had retired and moved back, and she contacted me about  
13 working because she knew that I was not working any longer,  
14 so that had to be in 2007, maybe 2008.

15 Q So you've been working ever since.

16 A Yes.

17 Q And do you work at the early voting site and on  
18 election day?

19 A Yes.

20 Q And do you attend the training at the Bladen  
21 County Board of Elections provides?

22 A I do.

23 Q So when you go to training for early voting, would  
24 you get training on same day registration?

25 A Yes.

1           Q     And what role do you play?   There was several  
2    roles that we play at the early voting site.  Which one is  
3    your role?

4           A     Most of the time I was always the greeter, slash,  
5    kind of crowd control.  Since the room was so small, we was  
6    always limited how many people would be entering the room  
7    at the time.  So I always kind of controlled to make sure  
8    it wasn't too many in there because the noise would get so  
9    loud we couldn't hear.

10          So my job was to make sure that I greeted them  
11    when they came, greeted them after they was leaving with the  
12    "I Voted" sticker, and like I said, control the crowd as to  
13    how many was in the room at one time.

14          Q     And do you--have you always worked at the library  
15    location?

16          A     I worked in a number of--for the most part, it's  
17    in the library.

18          Q     And so I want to talk about this recent, the  
19    November election, and can we look at Exhibit 19?

20               (Pause)

21          Q     Ms. Willis, do you see that there are two shifts  
22    on this paper, and your name is listed under the first  
23    shift.  Is that accurate?

24          (Chairman assist the witness  
25                      with the exhibit.)

1           A     Sorry. Okay. I've got it.

2           Q     I'm sorry, Ms. Willis. I'll start over again.

3     This form--this piece of paper has two shifts, and your name  
4     is under the first shift, correct?

5           A     Yes.

6           Q     Is that accurate? Is that the time that you would  
7     work early voting?

8           A     Yes.

9           Q     And do you recognize every name that is under that  
10    first shift?

11          A     Everyone except Sakeeta Washington. I'm not  
12    familiar with that person.

13          Q     Then you're not going to solve our mystery of who  
14    Ms. Washington is.

15                 (Laughter)

16          Q     So on the last day of early voting--do you  
17    remember that last Saturday of early voting?

18          A     Yes.

19          Q     And were you serving as the role of greeter on  
20    that day?

21          A     Yes.

22          Q     And so you would probably have the best idea about  
23    was it crowded; was there long lines. What's your  
24    recollection?

25          A     It was crowded, and it was quite a long line

1 because the way the library was set up, they had to almost  
2 walk--get in a circular line to stay within the doors after  
3 the poll closed. So even after it closed, there had to be  
4 approximately maybe 30 or 40 people still in line.

5 Q When it closed, there were at least 30 or 40  
6 people still in line.

7 A Uh-huh (affirmative).

8 Q Okay, so you were still voting people after one  
9 o'clock.

10 A Uh-huh (affirmative).

11 Q And I guess it would also be your job to make sure  
12 that only the people in line at one o'clock could vote.

13 A Exactly.

14 Q And then that's something you were being tasked  
15 with.

16 A Yes. At one o'clock we lock the exterior doors.

17 Q Right, right, and so then--do you remember about  
18 how long it took to work those 30 to 40 people through?

19 A I would say maybe a good 30 minutes.

20 Q And so after the last person leaves, are the doors  
21 closed or locked after the last person leaves?

22 A After the last person leaves, the room that we  
23 were initially in, the door is locked.

24 Q And then you begin your closing of the one stop  
25 site procedures, correct?

1           A     Yes.

2           Q     And what are your specific tasks that you were  
3     tasked with at the end of early voting?

4           A     At the end of the day we are all--actually we  
5     gather the ballots. We take the voted ballots out of the  
6     machine. We separated them by precinct, make sure they were  
7     in the proper bag.

8           Q     And Ms. Willis, since you were in the room, can  
9     you sort of see what everybody's doing?

10          A     Yes, ma'am.

11          Q     And so can you look up on there and tell me what  
12    the other people in the room were doing?

13          A     Based on my sheet here?

14          Q     Yes.

15          A     Because I can't see the monitor.

16          Q     And you said you don't know Ms. Washington. Was  
17    there other people in that room other than the people that  
18    are listed at the top of the list for the first shift?

19          A     No.

20          Q     There was no other people--

21          A     No, ma'am.

22          Q     --there.

23          A     No.

24          Q     And were all of those people, other than Ms.  
25    Washington, were they present?

1           A     Yes.

2           Q     And do you know specifically what their roles  
3     were?

4           A     I know Michele was the chief judge.

5           Q     Right.

6           A     And Mitchell was assistant, and Mitchell kind of  
7     manned the tabulation machine. He made sure at the end of  
8     the day all of the ballots was taken out of the machine.  
9     He helped us all with sorting them. Lottie, Kristie, and  
10   Margaret were at the computers.

11          Q     And what about Tojie King?

12          A     Tanjie was kind of like distributing the proper  
13   ballots per person and working with curbside.

14          Q     And working with curbside, so he would go outside.

15          A     Yes.

16          Q     And so at the end of the day, what would his role  
17   be?

18          A     Tanjie was--kind of pretty much the same thing that  
19   everybody else was doing, making sure that everything was  
20   separated, all the ballots were separated by precinct, and  
21   basically just kind of cleaning up at the end of our shift.

22               DIRECTOR STRACH:    I want to hand you a document,  
23   so it will be Exhibit 20.

24               (Whereupon, Exhibit No. 20

25               was marked for identification.)

1           Q     Ms. Willis, does this look familiar to you? And  
2     it probably doesn't.

3           A     It doesn't, not at all.

4           Q     Well, I'll explain what this is. This document  
5     shows the last time a one-stop application was printed, so  
6     the last time a voter went to the check-in station and their  
7     one stop application was printed so they could sign it and  
8     get their ballot.

9                 And if you look at that, you see that it's sort  
10    of highlighted; that time is 13:26, which is 1:26. Would  
11    you say that that was approximately the time that the last  
12    person voted? Does that sound right?

13          A     That sounds pretty accurate. It was between--I  
14    would say 1:25 and 1:30.

15          Q     So it looks like the last person that was printed,  
16    so it probably took them a few minutes to get their ballot  
17    and vote and put it through the tabulator. And so after  
18    that happened, it was probably about 1:30. And that person  
19    at--you all start your procedures. Is part of those  
20    procedures to run the tape, to close the polls on the  
21    machine and that tape starts running?

22          A     That's what we've always done in the past.

23          Q     And was that done on the last day of early voting  
24    in November?

25          A     Yes.

1 Q And who was--whose responsibility was that?

2 A Mitchell Edwards always done that.

3 Q Do you recall Mr. Edwards being the one to run the  
4 tape and tear it off?

5 A To sit here and say that I physically or visually  
6 saw him run it, I can't say that. That's typically what he  
7 would do.

8 Q But did you see him at any point with that tape?

9 A No.

10 Q Well, did you see that tape at any point?

11 A I did.

12 Q And where did you see it?

13 A It was on the table.

14 Q And when you say it was on the table, was it the  
15 rolled tape on the table or was it spread out?

16 A Well, when I saw it--how it came to my attention  
17 is I heard something when I had my back turned, and I heard  
18 another individual say, "Oh my God." So I turned around to  
19 see what he was referring to, because the room was very  
20 small.

21 Q And you said, "he," so who was that?

22 A I'm talking about--I called him Tojie. I  
23 understand later his name was Mia (phonetic) but Tojie King.

24 Q So you heard Tojie say something.

25 A Yes.

1           Q     It got your attention.

2           A     Yes.

3           Q     And then what happened?

4           A     I turned around to see why he was saying "Oh my

5     God."

6           Q     And why was he saying that?

7           A     Because he was looking at the tape.

8           Q     Was he the only person looking at the tape?

9           A     At that particular time, yes.

10          Q     Did you see anybody else then--did you go up and

11     look at that tape?

12          A     I did. I walked over to see what he was looking

13     at.

14          Q     And what was he referring to?

15          A     He had his finger on the sheriff's race.

16          Q     And let's talk about that. So he had his finger

17     on the sheriff's race.

18          A     Yes.

19          Q     Was the sheriff's race the top thing that you

20     could see or could you see other contests as well?

21          A     To be very honest with you, I didn't look past

22     that. I was just amazed that he was looking at the

23     sheriff's race and the comment that he made, because he made

24     to me--when I walked up to the table where he was at, he

25     said, "I thought this black guy had it."

1           Q     That's the comment he made?

2           A     The comment.

3           Q     And so you walked up; he's made that comment. Did

4     other people walk up then? You're in a small room.

5           A     Yes.

6           Q     Were there other people that came up to the table?

7           A     I didn't come here to tell a lie.

8           Q     Good.

9           A     I came to tell the truth.

10          Q     Good.

11          A     The other people did look at it. To say that they

12     were dissecting it, no, but they did look at it. The only

13     person that I can attest for sure that didn't look at it was

14     Michele Maultsby.

15          Q     Why do you think Michele Maultsby didn't look at

16     that tape?

17          A     Because she was busy doing--she was multi-tasking.

18     She was responsible for the room, so she was making sure

19     everything was done and back in place where it needed to be.

20          Q     So sounds like--and how many of you would that be?

21     It looks like there might have been maybe one, two, three,

22     four--at least five of you other than Ms. Maultsby that were

23     looking at this tape. Now, was the sheriff's race the only

24     race that you were looking at?

25          A     That's the only one that I saw.

1           Q     So the tape's pretty long.  Was the tape folded  
2 or was it completely stretched out over the table?

3           A     Well, I'll say again when Tojie made the comment,  
4 I turned around, looked over my right shoulder to see what  
5 he was referring to, and it was extended out.  How far it  
6 was extended out, I don't remember, but it was extended.  
7 That I do remember.

8           Q     You worked early voting before; is that correct?

9           A     I have.

10          Q     So you're familiar with the tapes that are run,  
11 correct?

12          A     Yes.

13          Q     So have you ever seen the tape fully extended--

14          A     No.

15          Q     --where you could see the very top of it?

16          A     No.

17          Q     So do you know if that happened then?  Do you know  
18 if that tape was--how much of the table did it take up?

19          A     I would say probably about 12 to 18 inches.  It  
20 was fully extended.

21          Q     And at that time do you know if Ms. Maultsby and  
22 Mr. Edwards and you--had you signed it at that point?

23          A     At that point he made a comment, and I glanced at  
24 the sheriff's race, then I went to the bottom, and I signed  
25 it.

1 Q And I want to show you Exhibit 18. Do you have  
2 it? I'm not sure if it's in front of you, Ms. Willis.

3 (Chairman assists the witness with the exhibit.)

4 A Okay. Got it.

5 Q Okay. Ms. Willis, do you see your signature at  
6 the bottom of that?

7 A Yes.

8 Q Does that mean you were the last person to sign  
9 that?

10 A No.

11 Q It doesn't.

12 A No, ma'am.

13 Q Is that generally just where you would sign? Is  
14 there a reason why you signed third?

15 A If I recall, it was a space specifically for the  
16 chief judge to sign, and I always signed under Mitchell.

17 Q You always signed under Mitchell.

18           A     Uh-huh (affirmative). No reason. I don't know  
19 why.

20 Q And I want to just clarify something. So you  
21 worked every day of early voting.

22 A With the exception of the very first week. We  
23 generally have church annual conference, so I was gone--I  
24 think I worked the first Wednesday, and I was gone that  
25 Thursday, Friday, and Saturday, and then that following

1       Monday, I worked from then on.

2           Q     But you're generally familiar with the procedures  
3     that happen every day of early voting, correct?

4           A     Pretty much.

5           Q     And you run the--you're in the first shift,  
6     correct?

7           A     Yes.

8           Q     So what do you do at the end of your shift for  
9     the second shift to come in?

10          A     Well, we make sure we take all our ballots out,  
11     and sometimes it was--it would get kind of chaotic, and we  
12     had so many people sometimes because it was at a crucial  
13     point of the day, and I think it was lunch hour for some  
14     people, that they were coming to try to get voted, you know,  
15     rather than come back later.

16               So we get kind of chaotic, so we would try to get  
17     everything that we had done, the ballots out of the machine,  
18     and then we would migrate to another room, so the second  
19     shift could take over.

20          Q     And so you would take the ballots out of the  
21     machine. Did you have a reconciliation process that you  
22     would do?

23          A     Yes.

24          Q     And what would you then do with those ballots that  
25     you had taken to another room?

1           A    We would sort them by precinct and we'd put them  
2   in a bag, seal them up.

3           Q    Right. And someone transport them to the Board  
4   of Elections?

5           A    Yes.

6           Q    And that was something that happened on a daily  
7   basis?

8           A    Yes.

9           Q    Was there any tape that was run?

10          A    No.

11          Q    So it continues to vote.

12          A    Right.

13          Q    But you've taken the ballots out.

14          A    But we would keep a count of what we had done for  
15   first shift.

16          Q    And that's something that you did every day. Did  
17   you ever work second shift?

18          A    No.

19          Q    Have you ever worked second shift?

20          A    No.

21          Q    So Ms. Willis, there's certainly been a lot said  
22   about people seeing these results. Are you aware of anyone  
23   talking about those results after early voting--

24          A    I'm not.

25          Q    --before election day?

1           A     I'm not.

2           Q     And you saw those results. Did you talk to  
3     anybody at all about what you had seen?

4           A     No, ma'am.

5           Q     And did any other worker from another time call  
6     you and say, "Hey, what were those results?"

7           A     Not at all. I can say that I spoke to my daughter  
8     that day because I felt some kind of way. She lives in--  
9     near Chapel Hill.

10          Q     Right, and you felt--

11          A     I felt compelled to ask her, you know, "I didn't  
12     feel right today because something happened that I don't  
13     think was right." And she said, "What was that, mama?" I  
14     said, "The tape was pulled, and I don't think anybody should  
15     have had--been privy to those numbers as the election is not  
16     until November the 2nd."

17                 And she said, "Well, I've never done it, so I  
18     wouldn't know." She said, "But you didn't feel right." I  
19     said, "I didn't feel right." I said, "It didn't feel right  
20     to me." I said, "Nobody ever told us not to do it."

21          Q     Your feeling was correct. So in previous  
22     elections you said this has sort of been something that's  
23     done at the end of early voting is what you testified to,  
24     right?

25          A     Uh-huh (affirmative).

1           Q     So it's not--this was not the first time you'd  
2   seen the tape.

3           A     Correct.

4           Q     Is this the first time you had seen anyone  
5   actually look at the results on the tape?

6           A     Pretty much.

7           Q     You say, "pretty much."

8           A     Yeah, because--and I think the reason it  
9   focused--that I was so focused on it at this time, because  
10   the sheriff race in Bladen County was such a big thing. So  
11   I'm thinking to myself, you know, "I don't think nobody  
12   should be looking at these numbers."

13          Q     Right. And just to confirm, you said you believe  
14   you can testify that--now let me make sure I get the names  
15   right--that Mitchell Edwards, Lottie Ruffin, Kristie Lennon,  
16   Tojic King, and Margaret Lennon all saw those results.

17          A     Yes, ma'am.

18          Q     Okay.

19          A     And Tojic never got up. He was still sitting with  
20   his finger lodged over the sheriff's race.

21          Q     He just sat there with it on the race?

22          A     So it was just like they didn't have to--they  
23   didn't have to go and find it. They just went to where his  
24   finger was.

25          Q     And you said he sat there for a while and did

1       that.

2           A     Yes, ma'am.

3           Q     And was Mr. Edwards, Coy Edwards there when he had  
4     his finger on the sheriff's race?

5           A     He came over and glanced at it, and he didn't make  
6     a comment, and how he got it--because when I first saw it,  
7     it was rolled, but when you're busy doing what you're  
8     supposed to be doing, you're not always watching to see what  
9     somebody else is doing, and like I said, had he not made the  
10   comment, I would not have even needed to notice that he had  
11   opened it out and was looking at it.

12          Q     Ms. Willis, as part of your responsibilities, do  
13   you go back to the Bladen County Board of Elections at the  
14   end of early voting?

15          A     No, ma'am.

16          Q     So someone else gathers all--gathers the box, the  
17   treasure box, I think is what it's referred to in Bladen  
18   County.

19          A     Yes.

20          Q     And they take it back to the Board of Elections.  
21   That's not your responsibility.

22          A     No, ma'am.

23          Q     And on election day you work in a precinct?

24          A     Yes.

25          Q     Which precinct do you work?

1           A     Whites Creek.

2           Q     Whites Creek. And do you go to the Board of  
3     Elections and pick up supplies prior to election day?

4           A     No, ma'am.

5           Q     So that's not your responsibility.

6           A     No, ma'am.

7           Q     Did anyone at the Board of Elections ever contact  
8     you between early voting and election day and ask you about  
9     results being viewed or potentially leaked?

10          A     No.

11                 DIRECTOR STRACH:     I think that's all the  
12     questions I have.

13                 CHAIRMAN CORDLE:    Ms. Willis, did anybody ask  
14     you or did you hear any rumors or otherwise about a leak of  
15     the information from the early voting?

16                 THE WITNESS:        No. I did not, until an  
17     attorney called me, and I was baffled. Couldn't even  
18     understand why he was calling me, you know, what he was even  
19     about.

20                 DR. ANDERSON:      What attorney?

21                 CHAIRMAN CORDLE:    So it was somebody  
22     investigating.

23                 THE WITNESS:        I'm not sure what it was, but  
24     his name was Matt, Matt Dillon (sic).

25                 CHAIRMAN CORDLE:    Do you know where he was from?

1                   THE WITNESS:         Bladen County, from my  
2 understanding.

3                   CHAIRMAN CORDLE:     And what did he--

4                   THE WITNESS:         And I told him, I said, "I  
5 don't know what it is that you're looking for or what it is  
6 that you think that I know. I don't know why you're here."

7                   CHAIRMAN CORDLE:     Thank you.

8                   DR. ANDERSON:         Did he say that he was  
9 representing someone?

10                  THE WITNESS:         He didn't say.

11                  DR. ANDERSON:         The--I just have a quick  
12 question, but I can follow you.

13                  MR. ELIAS:             No, no, no.

14                  DR. ANDERSON:         Okay. So Ms. Willis, the way  
15 that the tape is copied and presented here, it has seven  
16 columns, but I would expect the natural practice is, is that  
17 what we would call the zero tape precedes this and it's all  
18 one long tape. Is that correct?

19                  THE WITNESS:         I'll be very honest with you,  
20 I wouldn't know.

21                  DR. ANDERSON:         Okay. That's all.

22                  THE WITNESS:         I've never had any access to  
23 the tape. I never dealt with the tape.

24                  DR. ANDERSON:         Right.

25                  CHAIRMAN CORDLE:     Well, I believe that we have

1 the original of the tape here now.

2 MR. LAWSON: We do. I don't know how you  
3 would like do this, so I'll give it to you and then if  
4 people want to come up and handle it and observe it. There  
5 are two severed tapes; it came to us that way, although it  
6 is, as you know, correct practice to make it contiguous.

7 Would you like us to approach with it?

8 CHAIRMAN CORDLE: Well, I know some people  
9 wanted to see it.

10 DR. ANDERSON: So, if I understand correctly,  
11 you would not have known where the zero tape was.

12 MR. LAWSON: We have the zero tape.

13 DR. ANDERSON: No, but on--at the close of  
14 the polls at the end of early voting, we right now do not  
15 know where the zero tape was?

16 DIRECTOR STRACH: I think that's a question we  
17 should probably ask Mr. Edwards when he comes back.

18 DR. ANDERSON: Are we going to talk to  
19 Cynthia Shaw?

20 DIRECTOR STRACH: She's here. Yes.

21 CHAIRMAN CORDLE: Do you want to go ahead?

22 MR. ELIAS: Sure. Thank you.

23 CROSS EXAMINATION BY MR. ELIAS: 11:12 a.m.

24 Q I apologize for all of the time this is taking  
25 away from your home. My name is Mark Elias. I represent

1     Dan McCready. Ms. Willis, I just have a handful of  
2     questions.

3                         (Pause)

4                         MR. ELIAS:                     Are you--I just want to make  
5     sure you guys are settled.

6                         DIRECTOR STRACH:     Yes.

7                         MR. ELIAS:                     Keep going? Okay.

8                         Q     You said that the last voter voted at between 1:25  
9     and 1:30.

10                  A     Yes.

11                  Q     And that's corroborated by the printout you saw;  
12    is that correct?

13                  A     Yes.

14                  Q     Do you know whether the voting machines were  
15    closed and locked immediately after the last voter?

16                  A     Yes.

17                  Q     And who would have done that?

18                  A     Mitchell Edwards.

19                  Q     And you would've played no role in that?

20                  A     No, sir.

21                  Q     So if the machines weren't locked right away, you  
22    would have no knowledge as to why.

23                  A     Right.

24                  Q     So if you look at the first page of the tape at  
25    the top, you'll see the user event is "close polls." Do you

1 see that?

2 A Uh-huh (affirmative).

3 Q And do you see the time?

4 A Yes.

5 Q Do you have any explanation for why there was  
6 seemingly a 18 minute gap between the last vote and the  
7 close of the polls?

8 A I don't because, like I said, you know, it was a  
9 guesstimate as to what was the time frames because it was  
10 kind of busy, so to say that I can actually tell you the  
11 exact time frame that the last voter, I would be lying.

12 Q But I understand that if the time line is correct,  
13 you were shown a document earlier that places the time at  
14 1:26. Did you physically see Mr. Edwards lock the machines  
15 or were you doing other stuff and you--

16 A I was doing other stuff. I never physically saw  
17 him.

18 Q So if he hadn't locked the machines right away,  
19 you wouldn't know.

20 A No.

21 Q And he was the only one attending to the machines  
22 at that time.

23 A At that time.

24 Q With respect to the sequence of events, as I  
25 understand your testimony, Mr. Edwards has the tape. He is

1       looking at the tape.

2           A     No.

3           Q     No.   What's the sequence of events?

4           A     Mr. Edwards, states he--according to the people  
5     that could have pulled the tape--I didn't pull it. I was  
6     looking at Michele, so I know she didn't pull it. So I was  
7     under the assumption that only Mitchell Edwards pulled it  
8     because we was the only three--or they was only two that had  
9     the key to get it.

10          Q     Got it.

11          A     So Mitchell never was looking it. Never--the room  
12    was so small, but when I did--whoever pulled the tape, at  
13    this point my back is turned.

14          Q     Okay.

15          A     But when I turned around, it was laying on the  
16    table rolled.

17          Q     Completely rolled up.

18          A     Yeah, it was rolled up.

19          Q     Got it, and then what happens?

20          A     And like I said, we--and on our side I was dealing  
21    with things that we normally would do, and when I got the  
22    attention off--by Tojie is when I turned around. He was  
23    sitting with it extended.

24          Q     And was it completely extended?

25          A     I can't say completely because I don't know the

1      length of the tape. I just know about how much of it was  
2      extended.

3            Q      And how much would you guess?

4            A      I would say 12 to 18 inches.

5            Q      Twelve to 18 inches, okay. And he excitedly  
6      utters--

7            A      "Oh my God."

8            Q      --"Oh my God." Okay, and then he makes a  
9      reference to the race of one of the candidates.

10          A      Yes.

11          Q      And what does he say?

12          A      "Oh my God, I thought this black guy had this."

13          Q      And what was the--what is Tojie's race?

14          A      He looks white.

15          Q      So he's listed as white. So Mr. King, Tojie, Mr.  
16      King makes a reference that a black candidate--that he  
17      thought a black candidate was going to win and he was  
18      surprised.

19          A      Yes.

20          Q      And then I assume this was startling, so everyone  
21      looks.

22          A      Yes.

23          Q      And does Mr. Edwards at this point look at the  
24      tape?

25          A      Shortly thereafter.

1           Q     Okay, so Tojie is still with his finger pointing  
2 at the sheriff's race.

3           A     Yes.

4           Q     And people are going and looking at the pointed  
5 finger next to the sheriff's race.

6           A     Yes.

7           Q     And Mr. Edwards was among the people looking at  
8 the finger to the sheriff's race.

9           A     At that time Mr. Edwards had already glanced at  
10 it and walked away.

11          Q     Right, so but when he glanced at it, it was when  
12 Mr. King had it opened.

13          A     Yes.

14          Q     And with his finger next to the sheriff's race.

15          A     Yes.

16          Q     Okay. So as far as you can tell, did anyone  
17 accidentally look at the finger next to the tape or were  
18 people like looking on purpose?

19          A     Well, the way I saw it, they were just looking at  
20 where Mr. King had his finger.

21          Q     And that's because--

22          A     I didn't see anyone dissect the tape.

23          Q     Right, but they were looking because he had  
24 called--he had made this noise and his finger points.

25          A     Yes.

1           Q     So it's natural that everyone was looking where  
2     his finger was.

3           A     My way of thinking.

4           Q     And that was true for you.

5           A     Yes.

6           Q     And that was true for all of the other people in  
7     the room--

8           A     Yes.

9           Q     --including Mr. Edwards.

10          A     Yes.

11          Q     Was there any discussion at that point about, wow,  
12     maybe we shouldn't be looking at this?

13          A     No.

14          Q     So that wasn't till later when you talked to your  
15     daughter that you referenced.

16          A     Yes.

17          Q     You mentioned something about the sheriff's race  
18     being a hot race.

19          A     Yes.

20          Q     So tell me about why that was.

21          A     I don't know. I guess it was because you've got  
22     a black young man running against a seasoned older man, and  
23     I guess it just was--it just blew up in Bladen County.

24          Q     And the seasoned older man was--

25          A     James McVicker.

1 Q And, I'm sorry, is Mr. McVicker white?

2 A Yes.

3 Q And do you know, were there partisan sheriff races  
4 in Bladen County?

5 A I don't know.

6 Q So you don't know if one was running as a Democrat  
7 and one was running as a Republican?

8 A I don't know. I always understood that Hakeem was  
9 a Democrat. What McVicker was I have no idea.

10 DR. ANDERSON: They're listed on the tape as  
11 Republican and Democrat.

12 THE WITNESS: Right. Until then, I never  
13 knew what party affiliation they were.

14 MR. ELIAS: I have no other questions.

15 Thank you.

16 CROSS EXAMINATION BY MR. FREEDMAN: 11:21 a.m.

17 Q Good morning.

18 A Good morning.

19 Q My name is David Freedman. I represent Dr. Mark  
20 Harris. You said that you were--you said something to your  
21 daughter that evening, correct?

22 A Yes.

23 Q Because it concerned you that people were looking  
24 at the sheriff's race.

25 A Yes.

1           Q     You never reported that to Cynthia Shaw, is that  
2 correct, or did you?

3           A     No. I didn't feel obliged to because no one ever  
4 told us not to pull it. But I felt like we shouldn't.

5           Q     I understand. And nothing went on in this until  
6 sometime later in November; you were contacted by a lawyer?

7           A     Uh-huh (affirmative).

8           Q     But that was not a lawyer on behalf of--that was  
9 not an investigator for the Board of Elections; is that  
10 correct?

11          A     No, not that I'm aware of.

12          Q     It was a local lawyer who contacted you.

13          A     Yes.

14          Q     It's a lawyer who witnessed your affidavit; is  
15 that correct?

16          A     Yes.

17          Q     Have you seen your affidavit lately?

18          A     Not lately.

19                MR. FREEDMAN:     I don't have extra copies.

20          I'm assuming everyone (unintelligible).

21                CHAIRMAN CORDLE:   I don't know if we have copies  
22 or not.

23                MR. FREEDMAN:     It's part of the exhibits  
24 submitted by Mr. McCready. There were a number of  
25 affidavits that were submitted in December. This is one of

1 the affidavits. So this will be Number 21.

2 (Whereupon, Exhibit No. 21

3 was marked for identification.)

4 CHAIRMAN CORDLE: Do you know where it's found  
5 in these exhibits?

6 MR. DALE: It's 7.1.2.2. Page number 33.

7 It will be on the screen.

8 CHAIRMAN CORDLE: This is marked as Exhibit--

9 MR. FREEDMAN: 21.

10 CHAIRMAN CORDLE: Thank you.

11 Q And this is--you've seen this document before, Ms.  
12 Willis, have you not?

13 A Yes.

14 Q And what was--how did this document come to be?

15 A That is a good question. I don't know the answer  
16 to that to this day.

17 Q So you gave that statement to a Mr. Dixon; is that  
18 correct?

19 A Yes.

20 Q If you go to the second page of that document,  
21 that's your signature; is that correct?

22 A Yes, sir.

23 Q And that's Mr. Dixon's signature below you?

24 A Yes.

25 Q Did you see him sign that?

1           A     Yes.

2           Q     He had a notary with him as well?

3           A     Yes.

4           Q     And had you met him prior to--this was signed on  
5     November 29th, 2018. Had you met him prior to that?

6           A     No, sir.

7           Q     Did he just show up at your door?

8           A     He called me, and I didn't know who he was.

9           Q     Did he tell you who he was?

10          A     He told me who he was. And I asked him where was  
11     he from.

12          Q     And he said--

13          A     Bladen County. And I said, "Why are you calling  
14     me?" And he said, "I've just got some questions I need to  
15     ask you." And I said, "In reference to what?" And he said,  
16     "Well, I'd rather just come and talk to you. Can you come  
17     to my office?"

18                 And I said, "Well, I'm busy." I said, "I don't  
19     think I can," I said, "but I'll do my best." I said, "At  
20     this moment I'm not even dressed." I said, "If you give me  
21     an hour or so," I said, "I can get dressed and I can come."

22                 But apparently that wasn't quick enough, so he  
23     said, "Well, we'll come to you, and I'll bring a notary with  
24     me."

25          Q     So you told him you could be there in an hour and

1 he came to you?

2 A Yes.

3 Q How long after he got off the phone with you did

4 he show up?

5 A Practically within the hour.

6 Q With a notary.

7 A Yes.

8 Q And he brought this--he had not--did you tell  
9 him--did you give him any information about November 3rd  
10 before he showed up?

11 A No.

12 Q But he showed up and he already had the typed part  
13 of this affidavit filled out; is that correct?

14 A I don't know. I remember him starting to ask me  
15 questions.

16 Q Did he bring a typewriter with him?

17 A No, sir. It had been typed up.

18 Q So whatever is in the typed portion, he did that  
19 before he asked you one question.

20 A Apparently so because he didn't have a typewriter.

21 Q You didn't see him type it and he left with the  
22 affidavit on that day; is that correct?

23 A Uh-huh (affirmative).

24 Q And did he--on the phone he told you he was a  
25 lawyer.

1           A     Yes.

2           Q     He tell you who he was calling on behalf?

3           A     No.

4           Q     Did he ever tell you who he was there on behalf

5     of?

6           A     No. He seemed to be a little bit--as confused as

7     I was.

8           Q     Okay.

9           A     So he made several phone calls while he was at my

10   dining room table, but I can't attest to who he was talking

11   to.

12          Q     Could you hear--overhear what he was saying?

13          A     And I heard him say once to someone, "Well, I

14   don't know what it is that you think she knows, and she

15   don't--maybe we confused." And I was confused.

16          Q     And he sounded confused as well?

17          A     Yes.

18          Q     Not confused enough not to have typed this out

19   before he got there. Did he tell you--but he didn't tell

20   you who he was there for?

21          A     No.

22          Q     Did he tell you he was an official investigator?

23          A     No.

24          Q     Did he tell you he was collecting this--did you

25   ask him, "Why do you need this affidavit from me?"

1           A     Well, at first he didn't even tell me that he was  
2 going to do an affidavit. He just started talking.

3           Q     So he showed up with this, not having told you he  
4 was there to get an affidavit.

5           A     Right. He didn't even take this out at first.

6           Q     Tell me what happened at first when he got there.

7           A     He just started asking me what did I know, what  
8 could I tell him. About what? And I said, "I don't know  
9 what it is that you're looking for, but if you've got a  
10 series of questions that you want to ask me, I'll do my best  
11 to answer them." And that was how I (indiscernible word)  
12 because I didn't know what his purpose was. I didn't know  
13 why he was really there.

14          Q     And you never knew what--how long was he there?

15          A     I probably would say at least 45 minutes.

16          Q     Did he ever tell you he was there on behalf of Dan  
17 McCready?

18          A     No. Never heard that name.

19          Q     You didn't hear any name.

20          A     No.

21          Q     The handwriting on this affidavit, is that yours?

22          A     The which part?

23          Q     The part that actually got filled out in your  
24 office--

25          A     No, that's not my handwriting.

1 Q Did you watch him--was that his handwriting or his  
2 notary's handwriting?

3 A It was his handwriting.

4 Q Does that reflect what you told him that day?

5 A Pretty much.

6 Q And to this day do you know who Matthew Dixon is?

7 A No.

8 Q Has anyone questioned you about this affidavit  
9 since you signed it--

10 A No.

11 Q --before I did?

12 A No. But he did tell me he was a Democrat.

13 Q He told you he was a Democrat. Okay. Did he tell  
14 you he was there to help Democrats?

15 A He didn't say "help." He just said, "I'll assure  
16 you that I'm a Democrat." I said, "Why would you want to  
17 talk to me?"

18 Q So he assured you he was a Democrat. When he  
19 walked in and said, "I assure you I'm a Democrat," or was  
20 that in response to a question?

21 A He said that on the phone when I was curious as  
22 to who he was and why was he calling me.

23 Q Did he tell you that he had any information before  
24 you gave him this information?

25 A No.

1           Q     When you gave him this information, did you tell  
2     him that there were no Republicans in that room?

3           A     No.

4           Q     But there were no Republicans in that room.

5           A     I don't know.

6           Q     Do you have Exhibit Number 19 in front of you?

7           A     Yes.

8           Q     And there were--again, without the--we have one  
9     mystery person on there. Other than the mystery person,  
10    we've identified everyone else on the early shift, correct?

11          A     Yes.

12          Q     And there are either Democrat or--there are two  
13    unaffiliated, and everyone else was a Democrat.

14          A     I don't know.

15          Q     But that--

16          A     This is the first time I've seen this. I didn't  
17    know what party affiliation any of us was except for myself.

18          Q     So when you gave them this information--or you  
19    didn't know at that point what people's--

20          A     Right.

21          Q     You work with these people, but you all don't  
22    discuss what--other than Mr. Dixon telling you he's a  
23    Democrat, people don't discuss affiliations.

24          A     Right. Never discussed it.

25          Q     And you didn't see--you were asked about the--so

1 look at Exhibit Number 20. And that's the one that has a  
2 bunch of sort of symbols at the top, and then it's got  
3 13:26, or 1:26. Do you see that?

4 A Uh-huh (affirmative).

5 Q So that was the last--that was the time that the  
6 last ballot was actually inserted into the machine?

7 A Uh-huh (affirmative).

8 Q But there were still--even the last ballot, it  
9 looks like there were several--a number of ballots inserted  
10 in fairly--well, there are about ten ballots that were  
11 inserted in a six minute time period; is that correct?

12 A Yes. That's what it looks like.

13 DR. ANDERSON: Can we just ask a  
14 clarification? It's not the insertion of the ballot. It's  
15 the time they checked in.

16 MR. FREEDMAN: Oh.

17 DR. ANDERSON: Is that correct?

18 DIRECTOR STRACH: It's not insertion; it's when  
19 it's printed off the--your application is printed.

20 Q So you were asked about an 18 minute gap.

21 A Uh-huh (affirmative).

22 Q The person who got the--you were asked why there  
23 would be an 18 minute gap. The period of time of the last  
24 two ballots is when the people got their ballots, correct?

25 A I'm not sure that I follow you.

1                   DIRECTOR STRACH:     Yes, that's when their  
2 application--they get--that is printed out and signed before  
3 they can get their ballot.

4               Q     Right, and people don't vote--most people take a  
5 bit of time in the ballot booth, don't they?

6               A     Well, you know, that last hour, some of them had  
7 waited so long till I think they were pretty much sure, and  
8 they just did what they needed to do. So they didn't take  
9 as long as they typically would have.

10              Q     Do you have a specific recollection of how long  
11 these people took?

12              A     I will say normally they would stay five to six  
13 minutes sometimes or more. These were much shorter. I'll  
14 say about half that time frame.

15              Q     You were timing it?

16              A     No, but I was there, and it was getting late and  
17 they had been waiting for quite some time.

18              Q     And then some people stand around and talk for a  
19 while after they vote too.

20              A     Not at the last hour, they don't.

21              Q     Not in the last hour. They were ready to get out  
22 since it's lunch time.

23              A     Yes. Not at the last hour.

24              Q     Okay. But you can't actually--so all these  
25 people--the last of the people came in, and they got their

1       ballots. How many ballot booths were there?

2           A     I think eight.

3           Q     Eight? So if ten people were there, to get their  
4     six minute period of time, at least eight people could be  
5     voting at any given time, correct?

6           A     (Witness nods head affirmatively.)

7           Q     And then you don't actually--people don't actually  
8     run the tape until the doors are closed and everything is  
9     secure from the public; is that correct?

10          A     Yes.

11          Q     And you didn't see the tape run. You didn't know  
12     anything about the tape until Tojie makes his comments,  
13     correct?

14          A     Correct.

15          Q     And then only the people who are in the room at  
16     that time go over and look where Tojie is--well, not  
17     everyone. Some of the people in the room go over and look  
18     where Tojie has his finger pointed.

19          A     Yes, sir.

20          Q     And you heard no discussion--other than the one  
21     comment Tojie made, you heard no discussion from anyone else  
22     about that tape--

23          A     No, sir.

24          Q     --or what was on that tape.

25          A     No, sir.

1           Q     And you yourself, did you look at the sheriff's  
2 race?

3           A     I did.

4           Q     And you didn't repeat that to anyone.

5           A     I did not.

6           Q     And you didn't hear anyone repeat that.

7           A     No, sir.

8           Q     And then after Tojie has--and the whole thing is  
9 not laid out, just a portion of it, about 12 inches. You  
10 said 12 to 18 inches.

11          A     Approximately, yes.

12          Q     And then does Tojie give the tape back to  
13 Mitchell?

14          A     No. Mitchell walked away.

15          Q     Mitchell walked away?

16          A     Uh-huh (affirmative).

17          Q     And then--

18          A     We went back to doing what we was already doing.  
19 Everything was prepared to take back to the Board of  
20 Elections.

21          Q     And this all took about, what, 30 seconds?

22          A     Sixty at the most.

23          Q     Sixty at the most. Okay. Somewhere between 30  
24 to 60 seconds.

25          A     Uh-huh (affirmative).

1           Q     So everyone goes over, takes a quick glance, and  
2    then they go about their business.

3           A     Right.

4           Q     And that's the end of it until Matthew Dixon shows  
5    up at your door, for you.

6           A     Yes.

7           MR. FREEDMAN:       May I just have one second?

8           (Pause)

9           MR. RAYMOND:       Ms. Willis.

10          THE WITNESS:       Yes.

11          MR. RAYMOND:       Ms. Willis, while Mr. Freedman  
12    is talking to his counsel, I just have one question I'll  
13    just clarify.

14          THE WITNESS:       Yes, sir.

15          MR. RAYMOND:       And I may have missed this.  
16    You may have answered this question already. What time--  
17    that day when Mr. Dixon showed up at your door that day on  
18    the 29th, what time was that? What time of day?

19          THE WITNESS:       To be very honest with you,  
20    I can't remember. I can't recollect exactly.

21          MR. RAYMOND:       Was it in the morning or in  
22    the afternoon?

23          THE WITNESS:       It was probably about mid day.

24          MR. RAYMOND:       So early in the afternoon?

25          THE WITNESS:       Yes.

1                   MR. RAYMOND:         Okay. Thank you.

2                   THE WITNESS:         You're welcome.

3                   DR. ANDERSON:         Ms. Willis, I have one  
4 question.

5                   THE WITNESS:         Yes, ma'am.

6                   DR. ANDERSON:         So I think I understood you  
7 to say that Mr. Dixon handwrote, printed the description of  
8 what you had attested to.

9                   THE WITNESS:         Yes, ma'am.

10                  DR. ANDERSON:         Did he in any way misrepresent  
11 what you had told him? I mean is what's there a fair  
12 representation?

13                  THE WITNESS:         Let me make sure.

14                  DR. ANDERSON:         Sure.

15                  (Witness reviews document.)

16                  THE WITNESS:         The only thing I have a  
17 problem with is right here where it said, "was viewed by  
18 officials." I don't know who he means by "officials,"  
19 because the only person that was--that I thought was  
20 officially supposed to have any access to the tape was  
21 Michele Maultsby, Mitchell, and myself. I don't know what  
22 he meant by "officials."

23                  CHAIRMAN CORDLE:     There was nobody outside the  
24 Board of Elections employees there.

25                  THE WITNESS:         No, sir. No, sir. No one.

1                   MR. FREEDMAN:         I appreciate--I didn't mean  
2 to cut you off. I have a few questions.

3                   CHAIRMAN CORDLE:     David.

4 CROSS EXAMINATION BY MR. FREEDMAN (resumed):

5               Q     So you didn't use the word "officials."

6               A     No.

7               Q     That's his--

8               A     Not to my recollection.

9               Q     And you're saying you disagree with that language,  
10 correct?

11              A     Well, if I said it, it was a misquote on my part.

12              Q     Okay. Thank you. And did you--and you didn't  
13 provide the information to him on the typed portion of the  
14 affidavit, did you?

15              A     No.

16              Q     And did you read back through this before you  
17 actually signed it?

18              A     Yes.

19              Q     And did he tell you he was going to be using--  
20 sending this to the Democratic Party?

21              A     He didn't tell me what he was going to do with it.

22              MR. FREEDMAN:         I have no further questions.

23     Thank you.

24              CHAIRMAN CORDLE:     All right, Mr Gilkeson. I  
25 think we can agree she was not working in Robeson County if

1 that's your question.

2 MR. GILKESON: Just wanted (unintelligible).

3 MR. BLACK: Mr. Chairman.

4 CHAIRMAN CORDLE: I'm sorry?

5 MR. BLACK: Mr. Chairman, I've got another  
6 question.

7 CHAIRMAN CORDLE: Sure.

8 MR. BLACK: Somewhat related simply  
9 because in an affidavit that she gave to the investigators,  
10 they stated that she was involved in a voter registration  
11 drive in November, and you've got the--

12 MR. ELIAS: Is there an affidavit that we  
13 haven't seen?

14 MR. BLACK: Just looking at--just to make  
15 sure I know what I'm talking about. Actually it's the  
16 report of the investigation.

17 MR. LAWSON: I can speak to that.

18 MR. BLACK: If you would please.

19 MR. LAWSON: That's just the regular header  
20 that's put on all of our little interview reports, so that  
21 would have been produced by our investigator, which she's  
22 here, and she can certainly speak to it if you're wanting  
23 to ask questions about that.

24 But the interviews are not--we're not providing  
25 to the parties ahead of the hearing, so you're not

1 referencing something that they were to see.

2 MR. BLACK: Okay. Well, it's just that  
3 there's an investigator's note here that says that Ms.  
4 Willis accompanied Wanda Monroe on absentee voter efforts  
5 during the November 2018 election.

6 She witnessed 11 absentee ballots. Of that, at  
7 least one involved a voter who was located for an interview  
8 and who stated that Agnes Willis and Wanda Monroe collected  
9 his ballot and took it with them after he voted.

10 MR. ELIAS: If there are--is the  
11 investigator going to testify because honestly now we're  
12 getting--we have a report that we have not been provided,  
13 either side. If the investigator's going to testify, I  
14 don't have an objection to the question, but honestly  
15 otherwise I do object.

16 CHAIRMAN CORDLE: Let's ask the witness that  
17 question.

18 MR. ELIAS: Well, this has not been said  
19 in public. Can we get an answer? Is the investigator going  
20 to testify? Because otherwise I don't understand the  
21 process by which the investigator provided materials to the  
22 Board that is now being used to question a witness that have  
23 not been provided to either side.

24 CHAIRMAN CORDLE: Well, our lawyers do lots of  
25 things and present lots of things to the Board which are not

1 given to the other sides, and they're not intended to be.

2 Those are lawyer/client privileged--

3 MR. ELIAS: Well, they're not privileged  
4 to the extent they were then disclosed.

5 CHAIRMAN CORDLE: I understand. We will need  
6 to have discussion about this. Let's take a break for ten  
7 minutes, and the board will go into session with its  
8 counsel.

9 MR. LAWSON: You want a motion and a second  
10 and vote on going into closed session for purpose of  
11 obtaining legal counsel.

12 CHAIRMAN CORDLE: I would so move.

13 MR. BLACK Second.

14 DR. ANDERSON: Second.

15 MR. ELIAS: I have one other matter that  
16 if counsel--

17 (Unanimous vote in favor)

18 MR. ELIAS: There's one other matter that  
19 if counsel and I can approach you all privately I want to  
20 raise so that I don't prejudice--

21 CHAIRMAN CORDLE: All right. Ms. Willis, you  
22 may step down and wait a while.

23 THE WITNESS: Okay. So what do I do with  
24 these?

25 MR. CARMON: Just leave it there.

1                   THE WITNESS:           Just leave it. Okay. Thank  
2        you.

3                   (The Board was in closed session  
4                   from 11:41 a.m. to 12:06 p.m.)

5                   CHAIRMAN CORDLE:     We will call our investigative  
6        meeting back to order. I think it is important to note--  
7        thank you. I think it's important to note that this  
8        administrative hearing is a civil matter and not--and that  
9        this board does not have criminal powers.

10                  There is, though, and the memo mentioned by Mr.  
11      Davis (sic) is part of a parallel criminal investigation  
12      that is ongoing, and therefore these documents he was  
13      talking about there are not available to be given out to the  
14      public, the press, or the parties in this case, or the  
15      interested people.

16                  The Board in this matter though is not relying on  
17      any of the staff memos or documents that are not introduced  
18      or offered in the testimony during this hearing. So with  
19      that matter, we will go back to Ms. Strach.

20                  DIRECTOR STRACH:     Yes, Mr. Chairman.

21      REDIRECT EXAMINATION BY DIRECTOR STRACH:     12:10 p.m.

22                  Q      Ms. Willis.

23                  A      Yes.

24                  Q      We've got the actual tape, and so I'm going to ask  
25      if Mr. Lawson can roll out this tape, and if you could sort

1 of demonstrate about how much of that tape you saw, and if  
2 you don't know, say you don't know. We're just going to  
3 roll it out and see if you can tell us.

4 A Okay.

5 (Tape provided to the witness.)

6 A I would say about that, maybe a little less. I'm  
7 not sure. I can't be positive.

8 MR. LAWSON: Okay. Thank you.

9 A I would say about that. Maybe a little less. I'm  
10 not positive as to how much it was because I wasn't  
11 necessarily so focused on how much of the tape was rolled  
12 out. I was just focused on the fact of where he had his  
13 finger.

14 MR. ELIAS: May we approach so we can see  
15 how much tape is rolled out?

16 CHAIRMAN CORDLE: Yes.

17 (Counsel for the parties approach  
18 the witness stand and observe the tape.)

19 CHAIRMAN CORDLE: Ms. Willis, was the tape in  
20 that kind of condition?

21 THE WITNESS: It was not wrinkled like that.

22 CHAIRMAN CORDLE: It was not wrinkled like that.

23 THE WITNESS: No, sir.

24 CHAIRMAN CORDLE: It's been rolled up for a long  
25 time.

1                   DIRECTOR STRACH:     Ms. Willis, I want to switch  
2    gears just a little bit on you and hand up a document.

3                   MR. ELIAS:               I have just--I'm not sure this  
4    is an objection, but are we now in re-examination on  
5    different topics or are you just--I thought you had  
6    concluded, we then asked our questions, Mr. Freedman asked  
7    his questions, and now I sense you're moving on to yet a  
8    different set of topics.

9                   MR. LAWSON:              So initially it would have  
10   been redirect, but with new information because the rolls  
11   came in, the testimony--at this point it was at the  
12   direction of the Board that we have discussion about  
13   additional matters.

14                  MR. ELIAS:                Okay.

15                  (Whereupon, Exhibit No. 22  
16                  was marked for identification.)

17    REDIRECT EXAMINATION BY DIRECTOR STRACH (resumed):

18                  Q     Ms. Willis, do you recognize that absentee  
19    application and certificate?

20                  A     Yes.

21                  Q     Do you know Joseph Barr?

22                  A     Yes.

23                  Q     And did you visit his residence to assist him with  
24    completing his absentee ballot?

25                  A     Yes.

1           Q     And were you accompanied by Wanda Monroe?

2           A     Yes.

3           Q     And did you in fact witness his ballot?

4           A     Yes.

5           Q     And at the end of that--after doing that, after  
6     signing as witnesses, did you take his ballot with you?

7           A     No, ma'am.

8           Q     What did you do with his ballot?

9           A     We left it with him.

10          Q     Did you give him any advice about whether to mail  
11     it?

12          A     Yeah, okay. Yeah, to mail it. We could not take  
13     it and could not mail it. He had to mail it.

14          Q     If Mr. Barr told investigators that you took his  
15     ballot, collected his ballot after it was witnessed, why do  
16     you think he would tell investigators that?

17          A     Well, I don't know why he would say that. He's  
18     my neighbor, and he's a little bit challenged because he  
19     didn't even identify the ballot. I think it took his mother  
20     to find the envelope because he brought it out several times  
21     and it was always the wrong thing; I said, "That's not the  
22     ballot."

23                 And so I think the very next day I was in my yard  
24     and he called me, you know, from a distance and said he had  
25     it, and I said, "Well, I can't do anything." I said, "I'm

1 getting ready to go somewhere. Can I help you do it  
2 tomorrow?" And he said yes.

3 Q So the next day you just--you went back over to  
4 his house?

5 A I went back to witness the ballot, but we never  
6 took it.

7 Q You never took it.

8 A No, ma'am.

9 Q Did you assist him with marking the ballot?

10 A No, ma'am. I just witnessed it.

11 Q Okay, and then you left the ballot.

12 A Yes.

13 Q Is that part--are you part--was part of your  
14 efforts in the election to do Get Out The Vote efforts with  
15 absentee by mail?

16 A For the most part, no.

17 Q In this past election, did you do some of that?

18 A I did a few.

19 Q Did you go out and get voters to do absentee  
20 ballot requests?

21 A No, ma'am.

22 Q So how did you determine which--where you would  
23 go back to assist voters to--in voting their ballot and  
24 witnessing their ballot?

25 A Well, that was Wanda Monroe, and she knew that a

1      lot of people in my community probably had not, so I advised  
2      her; I said, "Well, why don't you go and see; you know,  
3      contact these people to see if they have registered to vote  
4      or if they are going to vote." But I was not on a campaign  
5      to do any, you know, vote--registering of voters.

6            Q      Do you know just about how many people you went  
7      and assisted with voting their absentee ballots?

8            A      Couldn't have been no more than maybe nine or ten,  
9      maybe.

10          Q      And was it Ms. Monroe that had--did she have a  
11      list or how did you know which houses to go back to?

12          A      These were neighbors for the most part.

13          Q      These were her neighbors or your neighbors?

14          A      My neighbors.

15          Q      Your neighbors.

16          A      Uh-huh (affirmative).

17          Q      And have you worked with Ms. Monroe in the past  
18      in absentee ballots?

19          A      No, not really. Maybe once where I've maybe  
20      witnessed maybe one or two, but it's been years.

21          Q      But that's not something you do--

22          A      No, ma'am.

23          Q      --from election to election.

24          A      No, ma'am.

25          Q      And when you're saying that in this election, it

1 was because Ms. Monroe contacted you because she was  
2 involved in that effort.

3 A No, she didn't contact me. I was telling her that  
4 I knew that a lot of my neighbors probably had not--either  
5 was not registered to vote or had not voted.

6 Q And I guess my question is you were telling Ms.  
7 Monroe because that's something she does.

8 A Yes.

9 Q Okay. So she then went and helped them request  
10 ballots?

11 A Yes.

12 Q Were you with her when she did that?

13 A No, ma'am.

14 Q So she did that on her own.

15 A Yes.

16 Q And then the two of you would go back to your  
17 neighbors and assist them with their ballot.

18 A Right.

19 Q Did you collect or did you see Ms. Monroe collect  
20 any ballot from anyone?

21 A No, ma'am. I did not.

22 DIRECTOR STRACH: I don't have any more  
23 questions.

24 MR. BLACK: That's answered my questions.

25 Thank you.

1                   MR. ELIAS:           I'd like an opportunity to--  
2   since there was redirect.

3                   CHAIRMAN CORDLE:   All right. Let me see. Mr.  
4   Gilkeson.

5                   MR. GILKESON:       Yes. Did any of the absentee  
6   ballot work that you did--was all of it in Bladen County?

7                   THE WITNESS:       Yes, sir.

8                   MR. GILKESON:       None of it was in Robeson  
9   County, was it?

10                  THE WITNESS:       No, sir.

11                  MR. GILKESON:       Thank you.

12                  MR. ELIAS:          Just a few follow-up questions  
13   on this.

14   RECORDING EXAMINATION BY MR. ELIAS:                   12:16 p.m.

15                  Q      Is Ms. Monroe African-American?

16                  A      Yes, she is.

17                  Q      And when you say you were talking to your  
18   neighbors in your community, were the majority of the voters  
19   who were--she was registering and you were communicating  
20   with African-American?

21                  A      Primarily. I live in a black community.

22                  Q      And are you familiar that North Carolina has a  
23   history of discrimination in voting against African-  
24   Americans?

25                  MR. FREEDMAN:       Objection. Relevance.

1                   MR. ELIAS:           I think it's entirely relevant  
2    that conduct that is not just not stigmatized but is  
3    exemplary which is the African-American combating years of  
4    Jim Crow in this state, that as recently as a few years ago  
5    this Board was sued successfully for having engaged in  
6    surgical precision of African-American voters. I think  
7    that--

8                   CHAIRMAN CORDLE:    I don't think that was this  
9    Board.

10                  MR. ELIAS:           I'm sorry. Delete it.

11                  CHAIRMAN CORDLE:    I believe it was the  
12   legislature.

13                  MR. ELIAS:           The legislature engaged in  
14   surgical precision targeting African-American voters. I  
15   think it's appropriate to elicit from the witness what she  
16   was doing to combat that history.

17                  MR. FREEDMAN:        I thought we were asking  
18   questions of the witness. I didn't know we were making  
19   political statements.

20                  MR. ELIAS:           You were asking what the  
21   relevance was.

22                  MR. FREEDMAN:        Yeah, relevance in terms of  
23   legal relevance.

24                  CHAIRMAN CORDLE:    Let's go forward with this.  
25   Go ahead, as long as it's not a long--

1 Q (By Mr. Elias) Are you aware that North Carolina  
2 has a history of discrimination of voting against African-  
3 American?

4 A To be honest and give you an honest answer, no.

5 MR. FREEDMAN: I withdraw my objection.

6 (Laughter)

7 Q Do you think it's important that everyone have an  
8 opportunity to exercise their right to vote?

9 A I do.

10 Q And were you doing anything other than insuring  
11 that members of your community were able to exercise that  
12 right?

13 A No, sir.

14 MR. ELIAS: Thank you.

15 RECROSS EXAMINATION BY MR. FREEDMAN: 12:18 p.m.

16 Q Thank you, Ms. Willis. You've got the tape that's  
17 laid out in front of you; is that correct?

18 A Yes.

19 Q And you indicated that you thought that the tape  
20 was laid out about 12 or 18 inches?

21 A Yes.

22 Q What you're saying is that the length of the tape  
23 that's laid out for you right now 12 to 18 inches?

24 A Approximately. It looks like a little more.

25 Q Okay. All right, so all you can sort of say is

1       there was an approximation as to how far the tape was out,  
2       correct?

3           A      Yes.

4           Q      And the only thing you saw or heard comment about  
5       was the sheriff's race; is that correct?

6           A      Yes.

7                  MR. ELIAS:           I have a brief follow-up--oh,  
8       I'm sorry. I thought you were done. Then I'm finished.

9           Q      You know Wanda Monroe as a friend of yours; is  
10      that correct?

11          A      Wanda Monroe is actually my niece.

12          Q      Oh, she's your niece.

13          A      Yes.

14          Q      And you know that she is--and again, she's  
15      involved with getting out the vote, correct?

16          A      I don't know to what capacity.

17          Q      You know she has some involvement with the Bladen  
18      Improvement PAC.

19          A      Yes.

20          Q      And that she was targeting Democrats to help them,  
21      assist them in their voting.

22          A      I'm not sure, because I don't know who's Democrat  
23      and who's Republican, but I know she goes to different  
24      people houses, whether they're black or white. I don't know  
25      what their party affiliation would be when she go there.

1           Q     Her affiliation is Democrat.

2           A     I don't know that. I would assume it is.

3           Q     Right. Okay. Well, I'm not asking--I'm sorry,

4     I'm not asking you to assume. In Exhibit Number 21 (sic)

5     that you were shown where your signature was on--

6           A     Uh-huh (affirmative).

7           Q     --the individual there, Mr. Barr, the one who  
8     apparently told the Board that you all picked up his ballot,  
9     he is a Democrat, correct? If you look at the far--and it  
10    took me a while to figure it out. If you look at the far  
11    left under his name and address, it's got party affiliation.

12          A     Okay.

13          Q     And you said that you went with Ms. Monroe to nine  
14    or ten different houses?

15          A     Over a period of time.

16          Q     Over a period of time.

17          A     Yes, not in one day. Just over a period of time.

18          Q     And then that was just neighbors.

19          A     Yes.

20          Q     And she's your niece and you were helping her out  
21    with the neighbors.

22          A     Yes.

23          Q     And you were other involved with the obtaining of  
24    the absentee ballot request forms; is that correct?

25          A     No, sir.

1           Q     The only thing you did--and you never accepted any  
2     ballots.

3           A     No, sir.

4           Q     All you did was witness when they needed two  
5     witnesses.

6           A     Right.

7           Q     And you didn't assist the people with the voting;  
8     is that correct?

9           A     No. Not at all.

10           MR. FREEDMAN:         Does she have Exhibit Number  
11     4 in front of her? Your Honor, if I may approach with--  
12           CHAIRMAN CORDLE:     You may approach with it. I  
13     believe it's over here at the court reporter.

14           MR. FREEDMAN:         Mr. Dale can approach and hand  
15     it to her.

16                                  (Witness was provided the exhibit.)

17           Q     Ms. Willis, this has been identified and admitted  
18     previously as absentee by mail application log.

19           A     Yes, sir.

20           Q     If you could go to the second page of that and  
21     look about a little more than halfway down, do you see Wanda  
22     Monroe's name?

23           A     Yes.

24           Q     You see the first time you see your name; is that  
25     correct?

1           A     Yes.

2           MR. FREEDMAN:       If we can put that on the  
3     screen.

4           Q     You see her name, and this is where she actually  
5     turned in the absentee mail--absentee ballot request forms.  
6     You see her name and then you see the number 13 out by the  
7     side where it says, "Number of applications turned in"?

8           A     Yes, sir.

9           Q     And then that's her signature. You recognize her  
10   signature.

11          A     Pretty much, yes.

12          Q     All right, so that's her signature and that was  
13   October 12th, 2018, correct?

14          A     According to the paper.

15          Q     And then you drop down one more and see her name  
16   again on the 15th.

17          A     Yes.

18          Q     And that says 40 applications were turned in; is  
19   that correct?

20          A     Yes.

21          Q     And does that appear to be her signature again?

22          A     Yes.

23          Q     All right, so if you look on the screen, you see  
24   where her name is listed. There's Sheila Kinlaw in between,  
25   and Wanda has--she turned in 13 applications, then she

1 turned in 40 applications; is that correct?

2 A Yes.

3 Q And if you go to the next page--well, next page.

4 There we go. You see her name on there twice as well in a  
5 row?

6 A Yes.

7 Q One on the 22nd and one on the 24th?

8 A Yes.

9 Q And one time she's turning in eight and one time  
10 she's turning in six.

11 A Yes.

12 Q And that's her signature as well, correct?

13 A Yes.

14 Q And if you go to the next page, I believe her name  
15 appears twice on that, right? Once the 26th and once the  
16 29th; is that correct?

17 A Yes.

18 Q And that was seven and ten.

19 A Uh-huh (affirmative).

20 Q I'm through with that exhibit. But you were not  
21 with her when she got those applications.

22 A No, sir.

23 Q Is that correct?

24 A I was not with her.

25 Q And do you know Lola Wooten?

1           A     Know of her.

2           Q     Know of her. How about Deborah Monroe?

3           A     Deborah is my cousin.

4           Q     And she also has affiliation with the Bladen  
5 Improvement PAC; is that correct?

6           A     Yes, from my understanding.

7           Q     As does Lola Wooten, to your understanding.

8           A     Yes.

9           Q     But you yourself were not involved with the  
10 getting of the applications.

11          A     No, sir.

12          Q     Your sole involvement was to help out your niece  
13 on nine or ten occasions.

14          A     Yes, because in my community she didn't know them  
15 as well as I did, so sometimes she would come by, and she's  
16 called me and asked me, "Can you go back and help me witness  
17 this ballot?" That was the extent of it.

18                MR. FREEDMAN:       May I just have one second?

19               (Pause)

20                MR. FREEDMAN:       Thank you, Mr. Chairman. I  
21 have no further questions.

22                CHAIRMAN CORDLE:    Mr. Elias?

23                MR. ELIAS:         I have two questions. I think  
24 it would be helpful for the record since we've described  
25 something orally, if the witness--

1 RECROSS EXAMINATION BY MR. ELIAS: 12:25 p.m.

2 Q Do you testify that the tape as it currently is  
3 positioned before you is approximately how it was unrolled  
4 at the time that you were--you and others were able to see  
5 it; is that correct?

6 A Yes.

7 MR. ELIAS: May I approach?

8 CHAIRMAN CORDLE: Yes.

9 Q Looking at the tape as it is, could you see the  
10 signatures as it lays before you?

11 A Probably could.

12 Q I'm just saying today, as you sit here now, do you  
13 see the signatures on the tape?

14 A Yes.

15 Q And can you see--and I may have to stand up. Can  
16 you see the very top of the tape?

17 A Yes.

18 MR. ELIAS: Thank you. I have no more  
19 questions.

20 DR. ANDERSON: Ms. Willis, earlier we were  
21 referring to a zero tape and the results tape, and it  
22 appears as though standard practice would have been to leave  
23 the zero tape that's run when you open the polls for the  
24 first time, leave that rolled up, and then, you know, it be  
25 run in a continuous tape with the results tape, but all I'm

1 asking you is it seems as though this would have been the  
2 only portion of this tape that was there on the table.

3 A Yes, ma'am.

4 Q No zero tape.

5 A I never saw the zero tape.

6 Q And might you have signed the zero tape?

7 A Not that I recall.

8 DR. ANDERSON: Okay. All right.

9 CHAIRMAN CORDLE: And do we have the zero tape?

10 MR. LAWSON: We do. Would you like it?

11 CHAIRMAN CORDLE: Yes, I would like to have it  
12 also.

13 DR. ANDERSON: And I'm only asking because  
14 if the two were together, if they were connected and not  
15 separated, this would roughly be twice as long as what we  
16 have laid out on the table now.

17 CHAIRMAN CORDLE: Did anybody sign the zero  
18 tape?

19 MR. LAWSON: They did.

20 MR. ELIAS: May we approach?

21 CHAIRMAN CORDLE: Yes.

22 (Counsel for the parties review the tape.)

23 CHAIRMAN CORDLE: Does it appear that maybe you  
24 did sign it?

25 THE WITNESS: I did sign that, but they were

1 never out at the same time.

2 CHAIRMAN CORDLE: Right.

3 THE WITNESS: No, I never saw--and a lot of  
4 times we didn't--we didn't look at it. You know, sometimes  
5 at the end of the day, if we needed to sign something--it  
6 was never extended before--you just went to the bottom,  
7 wherever I needed to sign is where I signed. To go and look  
8 up that tape, never seen it.

9 CHAIRMAN CORDLE: So the same people signed it  
10 that signed at the bottom.

11 THE WITNESS: Yes, sir.

12 CHAIRMAN CORDLE: Okay.

13 MR. ELIAS: It looks like it was printed  
14 in the morning.

15 THE WITNESS: Yes, and see, in the morning,  
16 I was always--I'm in the lobby ready to greet the voters.

17 DR. ANDERSON: Day one, first day.

18 CHAIRMAN CORDLE: And it shows what date on here  
19 that it was printed.

20 MR. ELIAS: One-seven--I read 10/17.

21 CHAIRMAN CORDLE: Would that have been the  
22 early--start of early voting?

23 THE WITNESS: I guess so.

24 CHAIRMAN CORDLE: Okay. Thank you. Do you have  
25 any further questions, David?

1                   MR. FREEDMAN:         I do. Do you want me to  
2 return to the counsel table?

3                   CHAIRMAN CORDLE:     Please. And do we need to  
4 make a copy of the zero tape to put in as a document or do  
5 we need to keep the original?

6                   DIRECTOR STRACH:     We do; we need to make a copy.  
7 We can do it.

8                   CHAIRMAN CORDLE:     We will have a copy made of  
9 the zero tape and have it put in to replace the actual  
10 original and keep the original at the Board of Elections.

11                  Yes, sir.

12   RECORDING EXAMINATION BY MR. FREEDMAN:                   12:30 p.m.

13                  Q     You initially testified it was 12 to 18 inches  
14 that was exposed, correct?

15                  A     Yes, sir.

16                  Q     And you know that you saw the sheriff's race,  
17 correct?

18                  A     Yes, sir.

19                  Q     And so whatever was below the sheriff's race may  
20 have been exposed, correct?

21                  A     Possibly.

22                  Q     But above--what's above the sheriff's race, you  
23 cannot say what, if anything, was exposed, correct?

24                  A     Right.

25                  MR. FREEDMAN:         I have no further questions.

1                   MR. FREEDMAN:

2                   CHAIRMAN CORDLE:     All right, this is going to  
3    be the last go-around.

4    RECROSS EXAMINATION BY MR. ELIAS:                   12:30 p.m.

5                   Q     So, again, just to clarify, the length that it is  
6    currently open, is that the length approximately that it was  
7    opened?

8                   A     Approximately.

9                   Q     And as you look at it with that, you can see the  
10   top--all of the races to the top of the tape as it is right  
11   now?

12          A     Yes.

13          MR. ELIAS:                   Thank you.

14          THE WITNESS:                You're welcome.

15          CHAIRMAN CORDLE:         Thank you, Ms. Willis. We  
16   appreciate your coming today. You're excused.

17          THE WITNESS:                Thank you. Do I leave this  
18   here?

19          CHAIRMAN CORDLE:         Yes, ma'am.

20          THE WITNESS:                Thank you.

21          (Witness exits the stand.)

22          MR. FREEDMAN:              Mr. Chairman, while I'm  
23   getting the next witness, I just wanted to state for the  
24   record that I would agree with Mr. Elias's motion to have  
25   access to any witness report that may be--when the witness

1   is actually being questioned. I don't agree to anything  
2   further, but I would agree with Mr. Elias on that.

3                    MR. ELIAS:                 Are we re-calling Mr. Edwards?

4                    CHAIRMAN CORDLE:         Yes.

5                    DIRECTOR STRACH:         Yes.

6                    MR. DALE:                 Mr. Chairman, while we're  
7   waiting just for record keeping, is Exhibit 23 going to be  
8   the zero tape? So we'll be at Exhibit 24.

9                    CHAIRMAN CORDLE:         Yes, I think that's good.

10                  MR. DALE:                 Thank you.

11                  (Whereupon, Exhibit No. 23

12                  was marked for identification.)

13                  MR. ELIAS:                 And also, Mr. Chairman, just  
14   for the record, the case I was referring to is North  
15   Carolina State Conference of the NAACP and others. The  
16   defendants were Patrick L. McCrory, the governor, and Ms.  
17   Strach and the then board of this board. So when I said  
18   >this board," it's because they were actually--

19                  CHAIRMAN CORDLE:         We may have been, but we  
20   didn't create the lawsuit.

21                  MR. ELIAS:                 I understand that, nor did Ms.  
22   Strach. But that's why I--that's why I said "the Board."

23                  CHAIRMAN CORDLE:         I was not a member of the  
24   Board at that time, as I recall anyway. But when Mr. Leake  
25   was chairman of the Board, he always liked the cases to name

1 him first because it was only in his official capacity.

2 (Laughter)

3 MR. FREEDMAN: Having co-counseled with Mr.

4 Leake, he was the same way in trial.

5 MR. ELIAS: I think Mr. McCrory was  
6 appropriately listed first in that case.

7 (Mr. Edwards comes forward.)

8 CHAIRMAN CORDLE: You're still under oath. All  
9 right. Go ahead. Kim, do you have questions?

10 DIRECTOR STRACH: Sure.

11 REDIRECT EXAMINATION BY MR. STRACH: 12:32 p.m.

12 Q Mr. Edwards, do you see in front of you the--if  
13 you look on the witness stand, you see a tape. That is--

14 MR. ELIAS: There are two tapes. You may  
15 want to--Ms. Strach, maybe you want to show him one tape at  
16 a time.

17 DIRECTOR STRACH: I propose to do that.

18 Let's do the one he--

19 CHAIRMAN CORDLE: They're talking about the  
20 actual tapes up here now, Mr. Edwards.

21 THE WITNESS: Oh, oh, oh, oh.

22 (Mr. Lawson re-winds the zero tape.)

23 Q Mr. Edwards, do you see your signature on that  
24 tape?

25 A Yes, ma'am.

1           Q     And does that appear to be where you signed on the  
2 last day of early voting? I think you can see the--

3           A     Yes, ma'am.

4           Q     --the date on it. And it's rolled out. You've  
5 testified earlier about seeing the sheriff's race. How much  
6 would you say of the tape was out or rolled out when you saw  
7 the sheriff's race on it?

8           A     Like I said, all I know is when I cut the tape to  
9 start, I just happened to see it. That wasn't what I was  
10 looking for. I was looking to get down to here. So I saw  
11 that and that's all I saw.

12          Q     But did you roll--and do you see how it's rolled  
13 out there?

14          A     Yeah.

15          Q     Did you roll it that way so people could sign it?

16          A     Yeah. I kept--

17          Q     You rolled it out like it is now?

18          A     --so I could get to the--yeah.

19          Q     And so there was a part of the tape that was out.

20          A     Well--

21          Q     The roll was extended like it is there.

22          A     No, I didn't have it like that. I kind of kept  
23 working it till I got to right there.

24          Q     Could you--do you think you could do what you did  
25 that day and show us how you had the tape?

1                   MR. ELIAS:           I prefer the Board Counsel

2       (coughing obscuring words) him unroll it.

3                   DIRECTOR STRACH:   Yes.

4                   (Pause)

5       A   Now, when it printed it out, it was going down.

6       Q   Right.

7       A   So when I pulled it, I had it, like the extension  
8   of it, and then when I started like that, I worked it till  
9   I got--which I had a table and I was standing up doing it.

10                  MR. ELIAS:       May we approach?

11                  (Counsel for the parties approach the  
12                      witness stand.)

13                  MR. ELIAS:       We're just watching you.

14                  (Laughter)

15                  CHAIRMAN CORDLE:   Don't be scared. They're  
16   lawyers; they won't bite.

17       A   It came out like that (indicating). And it all  
18   was up on the table, and my eye just saw that when I wasn't  
19   looking, wherever it was at. And then I went on down and  
20   I signed it, Agnes signed it, and then Michele signed it.

21                  MR. ELIAS:       And where is it at?

22                  THE WITNESS:      I don't even know.

23                  MR. FREEDMAN:     So would that be the sheriff's  
24   race right at the top there?

25                  THE WITNESS:      It just happened to be what

1 my eye contact hit, and I didn't--I couldn't tell you none  
2 of the other ones.

3 MR. FREEDMAN: Can you tell what length that  
4 is? Can you tell what length that is that's exposed?

5 THE WITNESS: What, me?

6 MR. FREEDMAN: Yes.

7 MR. \_\_\_\_\_: Two foot.

8 MR. ELIAS: It's your witness.

9 DIRECTOR STRACH: Sure.

10 MR. ELIAS: We apologize.

11 DIRECTOR STRACH: If you want to stay, you're  
12 fine.

13 Q (By Director Strach) Mr. Edwards, there's been  
14 some testimony that after you were running the tape, that  
15 other people were standing around the table, that there's  
16 a table where you had the tape, and that another poll worker  
17 had his finger on the sheriff's race. Did you see that  
18 happen?

19 A I don't recall. No, ma'am.

20 Q Do you didn't see that?

21 A No.

22 Q At no point, you're saying, did you see anyone  
23 that had their hand on the tape?

24 A Huh-uh (negative).

25 Q Did you see the--

1           A     Not while I had it.

2           Q     Right. But did you see--did you see Ms. Willis

3     come and look at the tape?

4           A     She signed it. She came to sign it.

5           Q     She came to sign.

6           A     Right.

7           Q     But--

8           A     And then Michele came over and signed it.

9           Q     Right.

10          A     Because, like I say, when we shut down,

11     everybody's got a job to do, you know.

12          Q     How about Mr. King? Where was Mr. King?

13          A     He was somewhere over on the other side.

14          Q     You never saw him approach the tape?

15          A     Once I signed it and they--and she--she signed it

16     off. She took it and put it in the little box, and then I

17     got the thumb drive out and shut everything down. It went

18     in there along with the key. So that's the last I seen of

19     it. After I signed it, that was the last I--

20          Q     I guess that would be my question. When the tape

21     came out of the machine, you put it on the table. You

22     signed it. Was the tape ever out of your possession before

23     it was put into the box?

24          A     Well, like I say, once I signed it, I backed off

25     for Agnes to sign, and then Michele came over and signed,

1 you know.

2 Q So did you see Agnes or Michele sign the tape?

3 A I think Agnes signed right after I did, but I kind  
4 of backed off because, see, I was shutting the machine down  
5 and got the thumb drive out. And like I say, everybody's  
6 got something to do and it's not standing around at that  
7 time.

8 Q According to Ms. Willis, there was--Mr. King  
9 actually had some comments about one of the races. Did you  
10 hear any--did you hear him make any comment?

11 A I did not.

12 Q Did you hear anyone else make any comment?

13 A I did not.

14 DIRECTOR STRACH: That will be my questions.

15 CHAIRMAN CORDLE: Nobody else has any questions?  
16 I notice the only people standing around you are lawyers,  
17 but--

18 MR. LAWSON: Does counsel have a need for  
19 the zero tape out?

20 MR. ELIAS: No, not the zero tape, only  
21 the other. And Mr. Lawson, can you stay there?

22 MR. LAWSON: Yes.

23 MR. ELIAS: Because I'm going to ask the  
24 tape to be manipulated, but I prefer the Board  
25 (unintelligible).

1 RECROSS EXAMINATION BY MR. ELIAS: 12:39 p.m.

2 Q Thank you for waiting. Your testimony is very  
3 important. You understand that you're still under oath from  
4 before, correct?

5 A Yes, sir.

6 Q Did you vote in the---I'm not asking who you voted  
7 for. Did you vote in either the Democratic or Republican  
8 primary in 2018?

9 A I did.

10 Q And which primary, not who, but which primary did  
11 you vote in? Did you vote in the Republican primary or the  
12 Democratic primary?

13 A I switched to unaffiliated.

14 Q I understand, but did you vote--did you pull a  
15 ballot to--did you pull a ballot so that you could cast a  
16 ballot in the primary elections in 2018?

17 A I voted early voting.

18 Q In the primary?

19 A Yeah.

20 Q And did you pull a Democratic ballot to vote in  
21 the Democratic primary or a Republican ballot to vote in the  
22 Republican primary?

23 A Republican, I think.

24 Q Do you recall--when you got the tape out of the  
25 machine, I assume it was all curled up.

1                    A            To a degree.

2 Q Okay. So Mr. Lawson says "I don't want to touch  
3 the tape." Can you show Mr. Lawson, or Mr. Lawson, why  
4 don't you curl it up and then he can show what the degree  
5 was.

6 (Mr. Lawson complies with request.)

7 A It wasn't like that.

8 Q Okay, so why don't you show now--

9 (Witness demonstrating)

10           A     As it prints off, it goes like that because it's  
11 coming out of the machine.

12 Q Okay.

13 A And when I tear it off, I get it up, and then I  
14 start getting it to where we can sign (demonstrating).

15 Q Okay, so I just want to visually describe this to  
16 the stenographer. And so it comes off the machine and it  
17 is sort of dangling; it's curled up and it's dangling.

18 A Yes, sir.

19 Q And then you rip the part close--of the tape  
20 closest to the signatures.

21           A       Once it--well, I don't know about that. Wherever  
22     the end of it is. Once it quits printing, that's when you  
23     tear it off.

24 Q Right. Do you know, does it quit printing at the  
25 end closer to the signatures or the end--or the other?

1           A     No, I couldn't tell you.

2           Q     Okay, and can you now unfurl it and tell me  
3     approximately where in the total tape the sheriff's race  
4     falls?

5           A     They just pointed it out a while ago.

6           Q     I know, but the stenographer can't go off of what  
7     we all saw, so we're going to have to kind of describe it.  
8     I apologize.

9           A     What did he say; it was about two foot up  
10    somewhere, the sheriff?

11                MR. LAWSON:           Is it six? I'm trying to--  
12                CHAIRMAN CORDLE:     Smack dab in the middle,  
13    wasn't it?

14           A     Somewhere in the middle is what they were saying.

15                MR. LAWSON:           Here, I indicated with this  
16    pen.

17           A     Right.

18           Q     And how would you describe that again in words,  
19    so the stenographer can capture it--the court reporter  
20    capture it in words? Is it in the middle?

21           A     It's in the middle.

22           Q     Right down in the middle

23           A     Pretty much.

24           Q     Pretty much. Closer to the top, bottom, or right  
25    in the middle?

1           A     In the center.

2           Q     Do you ever recall--you said that you didn't  
3     recall Mr. King seeing the tape?

4           A     No, sir.

5           Q     Would you have known if he had seen the tape?

6           A     No, sir, because once I got--I signed it, and she  
7     signed it, and Michele all--like I say, we--everybody's got  
8     something to do. And I--once I done that, I started  
9     proceeding to do something else.

10          Q     So Mr. King could have seen the tape.

11          A     I don't know.

12          Q     Well, but you know whether the size of the room  
13     and your positioning that day, it could have happened or it  
14     just could never have happened because you would've seen it.

15          A     Well, it could happen.

16          Q     And could Mr. King have said out loud words to the  
17     effect, "Oh my, I thought the black guy was going to win"?

18          A     I didn't hear that.

19          Q     You did not hear that.

20          A     I did not hear that.

21          Q     Did you hear words to that effect?

22          A     No, sir.

23          Q     Do you know the race of the two candidates for  
24     sheriff?

25          A     Uh-huh (affirmative).

1           Q     Was one African-American?  
2           A     Uh-huh (affirmative).  
3           Q     And one Caucasian?  
4           A     Yeah.  
5           Q     But you never heard any expression of sentiment  
6     one way or the other about one candidate being called the  
7     black candidate or the white candidate during the time when  
8     the tape was out?  
9           A     Huh-uh (negative).  
10          Q     Did you hear Mr. King or anyone else say anything  
11     about what the results were of the sheriff's race?  
12          A     No, sir.  
13          Q     Any one expressing any surprise about what they  
14     saw on the tape?  
15          A     No, sir.  
16          Q     Did you see Mr. King at any point pointing to a  
17     part of the tape?  
18          A     No, sir.  
19          Q     And did you ever walk over and look at the point  
20     in the tape that Mr. King was pointing at?  
21          A     No, sir. Once I signed it, that was it.  
22          Q     And if someone testified that you did, they would  
23     be either wrong, mistaken, or not telling the truth?  
24          A     Well, I didn't.  
25          Q     So if someone said that, that wouldn't be correct.

1           A     Right.

2           Q     And you're a hundred percent sure.

3           A     Right.

4           Q     No doubt in your mind.

5           A     Right.

6           Q     And you'd remember if it wasn't the case, right?

7           A     Right.

8           Q     So if there are witnesses that are saying--if  
9     there's a witness or others who say otherwise, you just  
10   don't have an explanation for why that would be.

11          A     Right.

12                MR. ELIAS:                Okay. I have no further  
13   questions.

14   RECROSS EXAMINATION BY MR. FREEDMAN:               12:46 p.m.

15          Q     Mr. Edwards, right now the only race you saw was  
16   the sheriff's race, correct?

17          A     Yes, sir, and that--and I just happened to fall  
18   on that. If I said I didn't see it, I would be lying, but  
19   I did.

20                CHAIRMAN CORDLE:        That's about the third time  
21   that question has--probably more than three times.

22                MR. FREEDMAN:            It'll be the last time it's  
23   asked.

24          Q     And that race has been certified, correct?

25          A     Yes, sir.

1                   MR. FREEDMAN:         That's all the questions I  
2 have.

3                   CHAIRMAN CORDLE:     Mr. Edwards, you're excused.

4                   (The witness exits the stand.)

5                   CHAIRMAN CORDLE:     Do you have another short  
6 witness?

7                   DIRECTOR STRACH:     We don't have short witness.

8                   CHAIRMAN CORDLE:     Well, let's take a break for  
9 lunch then. Be back at quarter of 1:00. Excuse me.

10 Quarter of 2:00.

11                   (Whereupon, a lunch recess was taken  
12 from 12:47 p.m. to 1:49 p.m.)

13                   CHAIRMAN CORDLE:     Calling our Board evidentiary  
14 hearing back to order please. Ms. Strach, are you ready to  
15 proceed?

16                   DIRECTOR STRACH:     Yes, Mr. Chairman, I am. We  
17 would call Andy Yates.

18                   CHAIRMAN CORDLE:     All right. Mr. Yates.

19                   (The witness comes forward.)

20                   CHAIRMAN CORDLE:     Would you state your name,  
21 please, sir.

22                   THE WITNESS:         Yes, Mr. Chairman. Scott  
23 Andrew Yates.

24                   CHAIRMAN CORDLE:     Thank you, sir. You do know  
25 as the Chair of this Board I issued a subpoena requiring you

1 to attend this hearing.

2 THE WITNESS: Yes, sir.

3 CHAIRMAN CORDLE: And I now excuse you from that  
4 subpoena and you're free to leave at any time.

5 THE WITNESS: Thank you, sir.

6 CHAIRMAN CORDLE: You're not required to answer  
7 questions, but if you do, the answers are voluntary and are  
8 under oath.

9 THE WITNESS: Yes, sir.

10 CHAIRMAN CORDLE: Do you understand that?

11 THE WITNESS: Yes, I do, Mr. Chairman.

12 CHAIRMAN CORDLE: I understand you have an  
13 attorney.

14 THE WITNESS: I do, yes, sir.

15 CHAIRMAN CORDLE: Mr. Jones.

16 THE WITNESS: Mr. Jones and Mr. LeVeckie  
17 (phonetic spelling).

18 CHAIRMAN CORDLE: Would you make an appearance,  
19 please, for the record?

20 MR. JONES: Yes, Your Honor. Mark Jones  
21 with the law firm Bell, Davis & Pitt for Mr. Yates and for  
22 Red Dome.

23 CHAIRMAN CORDLE: Thank you, sir. Of course,  
24 you've been informed if you don't understand a question, you  
25 should ask for clarification, and if you don't know the

1 answer to a question, you should say so and not speculate  
2 or guess.

3 THE WITNESS: Yes, sir.

4 CHAIRMAN CORDLE: Thank you. Would you please  
5 swear the witness. You can stand and put your hand on the  
6 Bible, please.

7 (Whereupon,

8 SCOTT ANDREW YATES,

9 having first been duly sworn, was  
10 examined and testified as follows:

11 CHAIRMAN CORDLE: Please proceed.

12 DIRECTOR STRACH: Thank you, Mr. Chairman.

13 DIRECT EXAMINATION BY DIRECTOR STRACH: 1:51 p.m.

14 Q Good afternoon, Mr. Yates. How are you?

15 A I'm doing well. How are you, Ms. Strach?

16 Q I'm good. Thank you. Mr. Yates, would you tell  
17 the Board what your occupation is.

18 A Sure. I'm a political consultant.

19 Q And how long have you been a political consultant?

20 A I've been a political consultant with Red Dome  
21 Group since--we founded Red Dome Group, I think,  
22 approximately April of 2013 is when we filed Red Dome Group.  
23 I had worked in politics in North Carolina prior to that.

24 Q So prior to April 13th you were not a political  
25 consultant?

1       A     I was a consultant for a couple of years prior to  
2 that. Prior to that, I managed campaigns. I took a slight  
3 break and worked on campaigns. I worked as a campaign  
4 staffer prior to that. First time working on a campaign  
5 was--in a paid capacity was in 2002.

6       Q     Have you ever worked in states other than North  
7 Carolina?

8       A     Yes, ma'am.

9       Q     What other states have you worked in?

10      A     As best I can recall, we've worked in a number of  
11 states. We've worked in races as far away as Oregon. I've  
12 worked in Florida, South Carolina, Alabama. I believe I've  
13 done race in Virginia, Ohio, Indiana, Colorado.

14           We've worked in a number of states. I have to  
15 look at records to give you all of them, but we've worked  
16 in a number of states.

17      Q     Have you worked on statewide campaigns?

18      A     Dem ballot statewide campaigns, yes.

19      Q     Have you worked on local campaigns?

20      A     Yes, ma'am.

21      Q     And district legislative, house races here in  
22 North Carolina?

23      A     Yes, ma'am, and I did work on a governor's race  
24 in North Carolina as well, as a staffer but not as a  
25 consultant.

1           Q     Prior to 2018 had you worked on any other  
2 congressional campaigns?

3           A     Yes. I've worked on a number of congressional  
4 campaigns.

5           Q     Which ones?

6           A     Again, I don't know that I can name them all just  
7 going by memory back 17 years, but I worked on the campaign  
8 for Congressman Robin Hayes 2002, I believe. I worked for  
9 Jay Helvey, a candidate for congress in 2004. I worked on  
10 Virginia Foxx's campaign for congress. I believe that was  
11 in 2006.

12                 I worked on Lou Huddleston's campaign for congress  
13 in 2010. I worked with Ilario Pantano's campaign for  
14 congress in 2010 and 2012. Andy Dulin's campaign for  
15 congress in 2012. I worked at Julia Howard's campaign for  
16 congress.

17                 I've worked--I've worked on a number of campaigns  
18 for congress, and I apologize, I don't remember them all.

19           Q     It sounds like you have a lot of experience.

20           A     Yes, ma'am.

21           Q     Prior to 2017 were you knowledgeable of North  
22 Carolina absentee ballot laws?

23           A     Yes, ma'am.

24           Q     And in any of your previous campaigns, have they  
25 included Get Out The Vote absentee ballot programs?

1           A     Yes, ma'am.

2           Q     Would you say most of them do?

3           A     I would think most of the campaigns I've been  
4     involved with have done some type of absentee ballot Get Out  
5     The Vote program. It's certainly something that I would  
6     encourage clients to do.

7           Q     You would.

8           A     Yes, ma'am.

9           Q     In any of those previous campaigns, what did those  
10   mail absentee Get Out The Vote efforts include?

11          A     For most of them, as best I can remember, it was  
12   more absentee ballot chase programs. It was where we would  
13   get the list that's publicly provided by the Board of  
14   Elections that shows who's requested an absentee ballot.

15               We would follow that up with postcards and  
16   letters, phone calls. I've had candidates who have made  
17   phone calls to those folks to remind them to vote, to ask  
18   for their vote. The letters would do the same thing.

19               There may have been some campaign to do door to  
20   door as well. I wouldn't recall specifically without  
21   reviewing those notes. There are also times when we reached  
22   out to known supporters and encouraged them to vote absentee  
23   by mail because they may have been--you know, it was just  
24   something we were trying to do to drive up turnout in that  
25   race. There's various reasons we could have done that.

1           Q     Have you ever worked for a campaign that pays  
2 workers by the number of requests that they obtain, requests  
3 to vote absentee?

4           A     I can't answer that question because some  
5 campaigns I've worked on I wasn't involved with the absentee  
6 program, so I don't know how they paid folks involved in  
7 that program.

8           Q     But have you personally ever been in the position  
9 where you were overseeing the absentee ballot program where  
10 workers were paid by the number of requests that they were  
11 able to obtain?

12          A     Not that I recall.

13          Q     Have you ever worked on any campaign in your 17  
14 years that included Bladen and Robeson Counties prior to  
15 2018?

16          A     Yes, ma'am.

17          Q     Do you remember a few of those?

18          A     I (unintelligible), but I worked on Ilario  
19 Pantano's two campaigns. That included Bladen and Robeson.

20                MR. ELIAS:           I'm sorry, could you repeat;  
21 what was the name?

22          A     Ilario Pantano. He was the Republican nominee  
23 for congress in the--it would've been in the Seventh  
24 Congressional District.

25               And then I did one or two robocalls for Sheriff

1      McVicker in 2014 on his race. Also I worked on Brenden  
2      Jones's state house race in 2016. I did direct mail. I may  
3      have done some digital advertising with him.

4                I wasn't involved in the--Frank Williams was the  
5      general consultant on that race. I wasn't involved in a lot  
6      of the day to day, but I did some of the direct mail and the  
7      digital on that race.

8                I did--you know, obviously did some statewide  
9      races that would've included Bladen and Robeson Counties.

10        Q      Which statewide races have you worked on?

11        A      I did an independ--I worked on Patrick  
12      Ballantine's campaign for governor in 2004 in the general  
13      election. I was not involved in the Bladen County part of  
14      that district. It wasn't in my region. I was a regional  
15      director.

16               I did an independent expenditure for the State  
17      Employees Association for state treasurer in 20--I believe  
18      it was 2016. That was all digital advertising. We didn't  
19      do--we didn't have any grassroots.

20               I've done a couple of other small IE races for--  
21      independent expenditure campaigns for canceled state races  
22      where Bladen and Robeson could have been included in some  
23      of the voters we were targeting, but nothing specifically  
24      there that I can recall, and they were not grassroots  
25      efforts. That's all the races that I can remember.

1           Q     Great. With the independent expenditure work,  
2     were you working with independent expenditure committees?

3           A     Yeah, it was with the--yeah, it was--yeah.

4           Q     Were you registered with the Board of Elections?

5           A     I would assume they were, yes. I wasn't  
6     responsible for that part of the campaign.

7           Q     What was your role with the Mark Harris campaign?

8           A     I was the general consultant and the strategist.  
9     I was also the direct mail vendor for the campaign, and I  
10    did the vast majority of the digital advertising for the  
11    campaign.

12          Q     And was this--did you maintain the same role  
13    throughout your entire time with the Mark Harris campaign?

14          A     Yes, ma'am, from when I started with the campaign  
15    at the beginning of July was when I officially started with  
16    the campaign and running through the general election.

17          Q     Was McCrae Dowless hired by the Mark Harris  
18    campaign before you were hired?

19          A     Yes, ma'am.

20          Q     Do you know that?

21          A     Yes, ma'am.

22          Q     And were you aware of the payment arrangement that  
23    had been made with him?

24          A     Yes, ma'am.

25          Q     And what was that arrangement?

1           A     The arrangement, as it was explained to me, was  
2     a monthly fee to Mr. Dowless. I believe that was \$1,200.  
3     It was \$1,200 during the primary. It went up to \$1,625 per  
4     month in the general election.

5                 He was to be paid for absentee ballot request  
6     forms that he generated. That was \$4 an absentee ballot  
7     request form in the primary. We went up to \$5 an absentee  
8     ballot request form in the general.

9                 My understanding of what Mr. Dowless told me was  
10    that that money all went to the workers; that that money  
11    didn't go to him but it all went to the workers he was  
12    employing to do absentee balloting.

13               We also--Mr. Dowless also did a number of other  
14    grassroots activities for the campaign that he paid folks  
15    for. He paid folks to put out yard signs, for example. He  
16    paid folks to take up the yard signs after the primary.  
17    When Hurricane Florence came, he paid people to take up the  
18    yard signs so they wouldn't be destroyed. Paid them to put  
19    them back out.

20               He paid people at events, various festivals, such  
21    as Beast of Bladen Festival in Bladen County, to be in  
22    parades, things of that nature. He also--and this was a  
23    large portion of our expenses--he paid workers to work the  
24    polls a early voting and on election day in the primary and  
25    in the general election in Bladen County for the entire

1 time, and at times in early voting during (indiscernible  
2 word), and I believe during the primary at least he had paid  
3 workers at the polls--at the early voting polls in Robeson  
4 County as well.

5 We also reimbursed him for expenses during the  
6 general election. For example, we reimbursed him for rent  
7 of an office. We reimbursed him for his payments for  
8 utilities for that office, for the electric bill, internet,  
9 I believe from time to time we reimbursed him for some  
10 paper, copies, office supplies, things of that nature.

11 We also reimbursed him for payments for folks who  
12 did clerical work in his office. There was a lot of expense  
13 reimbursements that occurred there.

14 Q And for all these expenses that you reimbursed him  
15 for, what documentation would he provide to you in order to  
16 receive reimbursement?

17 A It was based off his oral representations.

18 Q So he just had to tell you how much.

19 A He had to tell me, yes.

20 Q You didn't require him to give you a receipt?

21 A I did not. The Harris campaign did not ask for  
22 that. My understanding was that they were comfortable with  
23 that. I was transparent with Dr. Harris in terms of what  
24 he was being reimbursed for.

25 There were never any questions. We had no reason

1 not to believe the information he was giving us, so we took  
2 it at face value.

3 Q Did you ever have a discussion with anyone on the  
4 Harris campaign about the fact that you were making these  
5 reimbursements without any documentation?

6 A I don't remember specific discussion, but no one  
7 asked for the documentation. It was in--I talked about what  
8 we were reimbursing for. I believe we talked about the  
9 office expense, for example, because that was new after the  
10 primary. Everything was transparent. The expenses to Mr.  
11 Dowless were in the budget for the campaign.

12 Q And would all of the reimbursement--when you made  
13 a reimbursement, if it was for office rent, would you pay  
14 Mr. Dowless directly or would you pay the person that he  
15 rented the office from or--

16 A I paid Mr. Dowless directly because--most of the  
17 time--I can't swear all the time because I don't know what  
18 Mr. Dowless did. But most of the time he had already paid  
19 those expenses, so I was reimbursing him.

20 Q Do you recall what the monthly office rent was  
21 that you paid?

22 A I do not. I do not because it was grouped in a  
23 number of reimbursements. It was probably less than \$500  
24 a month, and I know we paid part of it ahead of time, so we  
25 got a deal for paying some months in advance. And Mr.

1 Dowless worked all that out. I don't even know who he was  
2 renting the office from. Never been to the office.

3 Q Were you also renting the copier in the office?

4 A I believe so. I'm not positive. I never set foot  
5 in the office.

6 Q And so when he needed a reimbursement, did he just  
7 simply call you and just say, "I need \$500 to pay rent," or  
8 did you know there was a certain date of every month he had  
9 to--he needed--

10 A I knew at certain--I made sure about it. I knew  
11 at certain times he was going to ask for certain expenses.  
12 I didn't question him because the expenses matched up. The  
13 rent amount was always the same. The internet bill was the  
14 same. The bills you would have expected to be the same were  
15 the same.

16 The power bill, of course, as you know, varies  
17 month to month. But the expenses I would expect to be the  
18 same were always the same. And sometimes he would tell me  
19 that in person; he came to my office in Huntersville a  
20 few times. It wasn't always over the phone.

21 Q And when he would--when there would be like events  
22 in Bladen County that had fees associated with them, would  
23 you pay him? Would he pay in advance and then you reimburse  
24 him or would you pay--would you give him a check to give to  
25 whatever the vendor was for that event?

1           A     I don't recall specifically, but I believe, as  
2 best I can remember, that both occurred. Most of the time  
3 we would've paid---paid the event directly, but I believe  
4 both have occurred.

5           Q     So there could be times when a check went to Mr.  
6 Dowless that was for something he had paid in advance for  
7 an event that--

8           A     Absolutely.

9           Q     (unintelligible due to crosstalking)

10          A     Yes, ma'am.

11          Q     Where did you first meet Mr. Dowless?

12          A     It was either late June or early July. I believe  
13 it was late June. It was either the last week of June,  
14 first week of July, somewhere in that time frame, of 2017.

15          Q     And had you ever heard about him prior to meeting  
16 him or had you ever heard his name or what work he did prior  
17 to being introduced to him?

18          A     I did--at the time that Dr. Harris told me about  
19 McCrae Dowless, I did not recall ever hearing the name  
20 before. I could have heard it, but I did not recall ever  
21 hearing his name before Dr. Harris mentioned it to me.

22          Q     So for any of the campaigns that you worked on  
23 that included Bladen or Robeson County over the years, you  
24 had never worked with or heard about working with McCrae  
25 Dowless.

1           A    That's correct.

2           Q    And so you--I think you said you met with him in  
3   June or July 2017.

4           A    In late June, early July.

5           Q    And at that meeting did he discuss his absentee  
6   ballot program?

7           A    Yes, ma'am, he did.

8           Q    And would you describe what he told you it was  
9   about?

10          A    Sure. He told me it was about obtaining absentee  
11   ballot requests, that he targeted both people who--that he  
12   had been doing this since--I believe he told me 2010, that  
13   he had kept detailed records on people who had requested the  
14   ballots before, the absentee ballots before.

15                 That he targeted folks who had a history of  
16   requesting absentee ballots from him, and that he also--also  
17   his workers targeted their friends, neighbors, people they  
18   had a personal connection with because he felt like those  
19   folks would be likely--if their friend, neighbor, relative  
20   asked them to request an absentee ballot, they would be  
21   likely to do it.

22                 That was how he targeted the program, and then  
23   they would collect absentee ballots. They would turn the  
24   absentee ballots in.

25          Q    They would collect--

1           A     The absentee ballot requests. I'm sorry. Yes,  
2 they would collect the absentee ballot request forms and  
3 turn the absentee ballot request forms in. They would bring  
4 the request forms back to Mr. Dowless, then he would turn  
5 them in or somebody working for him would turn them in.

6                 And then when ballots were mailed back out, he  
7 would send his workers out. They would go door to door to  
8 the people they got request forms from, and they would ask  
9 them to vote or they would ask them if they had received  
10 their absentee ballot. If they had, they would encourage  
11 them to fill it out.

12               They would encourage them to vote for Dr. Harris,  
13 Sheriff McVicker, and what other candidates that Mr. Dowless  
14 might be campaigning for. I don't--I don't know. I assume  
15 he was campaigning for other folks. I don't know.

16               And he told me that at no time were his folks to  
17 ever touch, handle, put their hands on, collect, mail an  
18 absentee ballot. That he knew that was illegal, and that  
19 he made sure all of his folks knew that was illegal.

20               And the example he gave me, he said it did not  
21 matter if somebody was elderly and infirm and could not  
22 physically walk to the mailbox; even if they asked you to  
23 do it, you could not walk to the mailbox with that. You  
24 could not take that ballot, walk to the mailbox, and put it  
25 in the mailbox.

1           They had to do it or they had to get a near  
2 relative to do it. And that he never touched one and that  
3 none of his folks ever touched one.

4           Q     And all of that that he told you, did he offer  
5 that information to you or did you ask him about that?

6           A     He offered all that information to me, and he also  
7 told me that he had a great relationship with Republican  
8 members of the Board of Elections in Bladen County as well  
9 as the Bladen County election director. I believe Ms. Shaw  
10 was the director at the time. That they were familiar with  
11 his program and they were comfortable with his program.

12          Q     Just the Republican members of the board?

13          A     I believe the Republican members of the board.  
14 There could have been others, but I know he mentioned some  
15 of the Republican members of the board.

16          Q     And he said that they understood his program and  
17 were comfortable with it.

18          A     Yes. They understood his program, they knew how  
19 it worked, and they were comfortable with his program. He  
20 had a great relationship with them. He even mentioned  
21 periodically throughout the time I worked with him that he  
22 had talked to Ms. Shaw and that he had talked to the  
23 Republican members of the Board of Elections.

24                 And I believe he--I believe he mentioned a former  
25 member of the Board of Elections as well who knew about it

1       when he was--

2           Q     Do you remember his name?

3           A     I believe it was Mr. Ray Britt, and who I believe  
4     is now a county commissioner in Bladen County.

5           Q     So after he explained--

6           CHAIRMAN CORDLE:     I'm sorry. That name was who?  
7     Ray?

8           THE WITNESS:        Ray Britt, Mr. Chairman.

9           CHAIRMAN CORDLE:    Britt?

10          THE WITNESS:       Yes, sir.

11          Q     So after he explained his program and told you  
12     what it did and what it didn't do, did you--was anything  
13     unusual about it? Did it sound--did anything sound--concern  
14     you?

15          A     Nothing, no. Nothing concerned me about it.

16          Q     No red flags?

17          A     No red flags. He sounded like somebody who knew  
18     the law very well. He sounded like somebody who knew his  
19     county very well, who had kept good records, was well  
20     organized, knew who was likely to request absentee ballots  
21     in his county.

22           Sounded like he had run all the traps, that he had  
23     approached the proper authorities in Bladen County and made  
24     sure they were okay with what he was doing and comfortable  
25     with what he was doing.

1           Q     And was this program that he described, was it  
2     different from any absentee ballot program you had ever  
3     conducted or worked with in any of your other campaigns?

4           A     I don't remember doing one that was exactly like  
5     this, no, ma'am, but I knew he had done it for a number of  
6     candidates. I knew he'd done it for Todd Johnson for  
7     congress just two years before, for example.

8                 I knew he had done it for Sheriff McVicker. He  
9     represented to me that he had done it for several state  
10   legislative candidates in that area. He mentioned doing it  
11   for county commissioners.

12                 This was something he had done a number of times  
13   I believe beginning in 2010, in that area. It didn't sound  
14   unusual in that area to me. No red flags at all.

15                 CHAIRMAN CORDLE:     Excuse me. You had mentioned  
16   you first met with him in July, I believe.

17                 THE WITNESS:         It was either late June or  
18   early July, Mr. Chairman. I believe it was either the last  
19   week of July--I'm sorry, the last week of June or the first  
20   week of July.

21                 CHAIRMAN CORDLE:     Which year was this?

22                 THE WITNESS:         This was in 2017, Mr.  
23   Chairman.

24                 CHAIRMAN CORDLE:     Thank you.

25                 THE WITNESS:         Yes, sir.

1           Q     So no red flags when he's explaining the program.

2           A     Correct.

3           Q     And then that started in 2017.

4           A     Correct.

5           Q     What did he start out doing in 2017?

6           Q     He started out going out, having his folks go out  
7     door to door to get absentee ballot request forms. He also  
8     started, you know, representing us at events, trying to get  
9     Dr. Harris in front of influential people in Bladen County.

10                 He was an elected official in Bladen County on the  
11     Soil and Water Board. He was close to several of the county  
12     commissioners. He was close to the State House member. So  
13     he tried to get those folks on board with the Harris  
14     campaign.

15                 Q     And we talked about the fact that he was going to  
16     be paid \$4, I think, for the primary--

17                 A     Yes, ma'am.

18                 Q     --request forms.

19                 A     Yes, ma'am.

20                 Q     And so in 2017 was he obtaining the request forms  
21     for the 2018 primary?

22                 A     Yes, ma'am.

23                 Q     And so what would he do with those requests? It's  
24     pretty early. They've got municipal elections that are  
25     coming up.

1           A     Yes, ma'am.

2           Q     So would he turn those request forms in to the  
3     Board of Elections in June or July of 2017?

4           A     I'm not certain, but I believe he held the forms.

5           Q     And when he held the forms, did he provide you a  
6     copy of them or some sort of accounting of them?

7           A     He did not, no, ma'am.

8           Q     Do you know--why was the decision made to pay  
9     McCrae Dowless as a contractor for Red Dome rather than from  
10    the Mark Harris campaign?

11          A     Dr. Harris asked me to pay not only McCrae Dowless  
12    but also all the campaign staff, either service providers,  
13    which Mr. Dowless was, or independent contractors for the  
14    Harris campaign.

15                 So all the campaign staff was paid that way. And  
16    I think it was just for ease of campaign administration.  
17    We were a relative small campaign, and it was easier for  
18    me--it was easier for the campaign to write me one check and  
19    me to write checks out to all those various folks, make sure  
20    people got paid, things of that nature.

21          Q     Had you had that arrangement with other campaigns  
22    you had worked with?

23          A     I don't believe I'd had that specific arrangement,  
24    but I know of other consultants who do that. It's a fairly  
25    standard practice as far as I understand it.

1           Q     So what other--what campaign staff--who were the  
2     campaign staff and who were contractors that worked?

3           A     Well, all of the campaign staff were contractors  
4     through Red Dome Group. It was Jason Williams who was our  
5     campaign manager. It was Conrad Pogorzelski, don't ask me  
6     to spell that, who was our political director for the  
7     campaign, Kelly Tain who was our fund raiser for the  
8     campaign.

9                 And some of these people came on at later times.  
10        Jay Johnson was our field director for the campaign. Logan  
11       Mullis was our--basically our body man for Dr. Harris. He  
12       came on after the primary. He traveled with Dr. Harris.  
13       Also assisted with grassroots.

14                 We also had a number of mostly younger people who  
15       Conrad selected and hired who were independent contractors  
16       paid by Red Dome who worked on grassroots throughout a lot  
17       of the district but primarily focused in Union and  
18       Mecklenburg Counties.

19           Q     Did you have any other contractors that did  
20       similar GOTV programs for absentee other than Mr. Dowless?

21           A     They were--I don't believe they were similar  
22       programs, but we did--we did absentee ballot chase  
23       throughout the district. So we may have had to--some of my  
24       contractors may have been working on that, where there was  
25       a letter sent, a phone call made.

1           I don't know if there were any door knocks or not.  
2   Conrad oversaw that program, those grassroots workers much  
3   more than I. I don't know the specifics of what they did  
4   on a day to day basis, but they were definitely--we were  
5   doing work on absentee voting in every portion of the  
6   district.

7           Q     But you didn't have any--I guess you didn't have  
8   any other contractors like Mr. Dowless who had their own  
9   sort of team of people that were on the ground conducting  
10   a program, or did you?

11          A     Well, Conrad had his team of folks which would be  
12   a separate--I met very few of those folks, had very limited  
13   interaction with them. So there would be some similarities  
14   between Conrad's team of folks and Mr. Dowless's team of  
15   folks.

16          Q     And would you pay Conrad's team directly or would  
17   you pay Conrad to pay his team?

18          A     One time late in the campaign I paid Conrad.  
19   Conrad paid his team, and I reimbursed Conrad for paying his  
20   team, except for that one occasion. Except I believe for  
21   that one occasion, I paid the people directly.

22          Q     Did you have a written agreement or a contract  
23   with Mr. Dowless?

24          A     I did not.

25          Q     Did you have a written contract or agreement with

1 any of the other campaign contractors?

2 A I did have one with Kelly Tain. I do not recall  
3 having one with anyone else. I'd have to go back and look  
4 through my records, but I don't remember having one with  
5 anyone else, but I do specifically remember having one with  
6 Ms. Tain, and I believe that was produced to you all in our  
7 production by my attorney.

8 Q And in other campaigns that you had any similar  
9 relationship with, did you get contracts from any of the  
10 contractors that were working for that campaign?

11 A I can--off the top of my head, I can think of one  
12 other person who did some business development work for me.  
13 He was an independent contractor that I had a contract  
14 agreement with, but that was generally not my practice.

15 The vast majority of folks on Harris, all the  
16 folks worked for Conrad. They had no independent contract  
17 or agreement. I have an independent contractor who still  
18 does independent contracting for me who's been doing it  
19 since 2016. He and I have no independent contract or  
20 agreement.

21 I have several graphic designers who are  
22 independent contractors. We've never had any independent  
23 contract or agreement. It's something I very rarely do.  
24 In the case with Ms. Tain, the main reason I did that was  
25 because she was getting paid a monthly fee plus a structured

1 commission based on her fundraising. So I thought it was  
2 important that that was memorialized in writing because she  
3 wanted it memorialized in writing, and unlike the  
4 arrangements with Mr. Dowless, I actually negotiated the  
5 payment terms with Ms. Tain.

6 Q Did you not feel you had the ability to negotiate  
7 payment terms with Mr. Dowless?

8 A I felt like it was all worked out with Mr. Harris.  
9 The only time I had any ability to negotiate, Mr. Dowless  
10 came back after the primary and wanted slightly more per  
11 month because he said it was going to be more work because  
12 it was a shorter turnaround time.

13 It felt like he needed to pay the workers more per  
14 ballot so he could get more workers, more time out of his  
15 workers because he had been working on the primary since the  
16 beginning of July, at least as far as I know, and although  
17 he had said that he had some ballot requests that he'd  
18 already gotten before I met with him. But as far as any  
19 contact with me, he had been working on that program since  
20 the beginning of July, and he had from the beginning of July  
21 till the May primary.

22 We didn't start working back on the general  
23 election till sometime in mid to late May, so it was a  
24 quicker turnaround, so he wanted a little bit more money  
25 per month, and he also wanted to up the pay per ballot

1 because he felt like he could attract more workers that way  
2 and they would put in more time if they were paid per ballot  
3 request because they felt like they could get--he could get  
4 more workers and they'd put in more time.

5 Q And you said he wanted to do that. Did you not  
6 pay per ballot request for the primary?

7 A We did. We paid \$4 per ballot request in the  
8 primary. He wanted to step it up to \$5 per ballot request,  
9 and I believe I made Dr. Harris aware of that, and I believe  
10 he was okay with it.

11 But I didn't feel like I had the ability to  
12 negotiate with Mr. Dowless. I felt like that Mr. Dowless  
13 was a done deal before I was ever brought on the campaign.

14 Q Was any part of your role--did you have any role  
15 with the campaign when you were trying to manage the  
16 campaign budget? Was that part of what--

17 A That was part of what I would do, yes, ma'am.

18 Q And so you said that you didn't require him to  
19 provide any documentation to you for the expenses, but how  
20 about--how did you account for the number of requests? So  
21 if you were paying on a per ballot request--you paid per  
22 ballot request, and how did you ensure or verify that he was  
23 actually obtaining the number of requests he said?

24 A May I ask you for clarification just to make sure  
25 I understand? So you're asking how did I verify that he was

1 asking for the correct number reimbursements for absentee  
2 ballot requests that he'd already done?

3 Q Right, for payment.

4 A I wasn't verifying that at the time. I mean his  
5 word was good enough for Dr. Harris. He was in regular  
6 communication with Dr. Harris, from what McCrae told me as  
7 well as from what Dr. Harris told me.

8 We took him at his word, but I also knew and I did  
9 check; once the absentee ballot request list was made  
10 publicly available by the Board of Elections, I would look  
11 and see how many absentee ballot requests were coming out  
12 in the counties he was working in, and if he had told me he  
13 had generated X number of requests in those counties and I  
14 looked at that file later, I would have known that he had  
15 misrepresented himself to me, but at the time he was asking  
16 for that, I didn't verify it. I felt no reason to verify  
17 it. Dr. Harris never asked me to verify it, so it was just  
18 not--just not something I did.

19 Q And in 2017 he was engaged in obtaining the ballot  
20 requests. You said he held onto them.

21 A That's my understanding. I never saw them. I  
22 don't know.

23 Q And there wouldn't have been a way for you to look  
24 at the Board of Elections data to see how many had turned  
25 in.

1           A     No, ma'am.

2           DIRECTOR STRACH:     I want to hand you a document.

3           MR. LAWSON:         It'll be 24.

4           (Whereupon, Exhibit No. 24

5           was marked for identification.)

6           Q     Mr. Yates, this is two pages, and the first is,  
7     it looks to me, an explanation of an invoice that you had  
8     sent to the Mark Harris campaign. Am I correct?

9           A     Yes, ma'am.

10          Q     And if you'll look on the second page, there is  
11     an entry that says "Grassroots Bladen, Robeson, Cumberland,  
12     August." And the amount is \$5,027.

13          A     Yes, ma'am.

14          Q     Do you know what that would've been for?

15          A     Not without having further records than this. I  
16     mean I would assume it was--it included his monthly fee in  
17     it. I don't know that for sure, but I would assume most of  
18     that--at that time most of what he would have been doing,  
19     it was--that was September 2018. That would've been almost  
20     all absentee ballot requests because that was what he  
21     would've been doing in August of 2018 primarily.

22          Q     And at that time it would've been--you're not  
23     sure, but would you have included the--I guess it was \$1,600  
24     at that time.

25          A     Sixteen twenty-five.

1           Q     Sixteen twenty-five.

2           A     Yeah, and there may have been some expenses  
3     included in that as well.

4           Q     So when you say "grassroots," it might not just  
5     be the absentee ballots.

6           A     It definitely was not just absentee ballot  
7     program. It was whatever we were paying McCrae. And that  
8     was part of our internal tracking program to track where  
9     campaign expenses were going for budgeting purposes. We put  
10    all of McCrae's payments together for budgeting.

11          Q     And it says "Bladen, Robeson, Cumberland." Were  
12    you aware of what efforts he was making in Cumberland  
13    County?

14          A     Mr. Dowless was attempting to collect absentee  
15    ballot requests in Cumberland as well. He had done some  
16    early voting in Cumberland. There was early voting during  
17    this period, obviously.

18               He didn't collect a lot of absentee ballot  
19    requests in Cumberland. He just said it was tough sledding.  
20    He didn't have the personal connections up there. He didn't  
21    have the workers up there that he had.

22               He had told me that a worker--I believe her name  
23    was Tabitha that had helped him in Cumberland in the past,  
24    she had had a baby. She wasn't able to help him anymore,  
25    and he was just having a tough sledding in Cumberland.

1                   So he was primarily focusing on Bladen and doing  
2 some work in Robeson County.

3                 Q     And when he would give you the number of requests  
4 he had received or obtained, did he break it down by county?

5                 A     Yes, ma'am, he did.

6                 Q     And did you document that in some way?

7                 A     I may have occasionally written down a  
8 contemporaneous note, but a lot of times it was over the  
9 phone as I was doing invoices and things like that. I'd  
10 plug into a calculator, plug it in invoice software, and  
11 send the invoice on.

12                Q     And so you didn't feel like you had any reason to  
13 maintain those numbers for any other purpose?

14                A     I didn't see any reason to maintain them. I mean  
15 he had given me no red flags at that point. At this point  
16 it was post primary. I had seen his work through the  
17 primary. I saw no reason to keep thorough track of that.  
18 He was somebody who was very good with numbers, and his  
19 numbers seemed to add up and always be consistent.

20                Q     And how did--you said you learned that through the  
21 primary. How did you learn that his numbers seemed to add  
22 up? Did he have conversation with you? What kind of  
23 conversations did he have with you about numbers?

24                A     Oh, he would give me the absentee ballot request  
25 updates all the time. I mean he was--I mean he would tell

1 me how many had come in. He'd tell me how many--he had--he  
2 could--he would project how many he thought might come in.  
3 And sometimes his projections were off; sometimes they  
4 weren't. They were projections.

5                 But I mean, you know, he was consistent, and then  
6 when I saw the list come out, when it became publicly  
7 available, his--I don't remember what--the exact numbers he  
8 had told me, but it seemed to make sense; it seemed to line  
9 up. There were never any questions. Dr. Harris certainly  
10 never had any questions that McCrae's numbers didn't line  
11 up, didn't match up. We had no reason to believe his  
12 numbers were off.

13               Q      Were you aware if Mr. Dowless's numbers of  
14 requests included numbers and requests obtained by members  
15 or individuals that were associated with the Bladen County  
16 Improvement Association?

17               A      No, ma'am. I was not. According to Mr. Dowless,  
18 the Bladen County Improvement Association were his rivals.  
19 They were terrible people. He wanted nothing to do with  
20 them. He accused them of being crooked, and he had no use  
21 for the Bladen County Improvement PAC. He wouldn't mince  
22 words about that.

23               Q      But did you ever have conversations where there  
24 possibly were people that may have been associated with the  
25 Bladen Improvement PAC, that maybe they no longer were

1        associated, that were working with him?

2            A     He never mentioned that to me. Again, Mr. Dowless  
3        hated the Bladen Improvement PAC, from what he told me. If  
4        he didn't hate them, then he's a big liar, because that's  
5        what he told me.

6            Q     So you're not aware of any arrangement where maybe  
7        a Democrat leaning group or individuals were also helping  
8        him.

9            A     I was aware of no arrangement of that nature until  
10       it was insinuated in testimony I was watching on the live  
11       stream this morning. And I was shocked to hear that.

12          Q     Did you have an--one of the things that you talked  
13       about was Mr. Dowless paid workers not only just for the  
14       absentee requests, that was a per ballot request.

15          A     Yes, ma'am.

16          Q     But during early voting he paid workers for taking  
17       people to the polls.

18          A     He mentioned having workers taking people to the  
19       polls, yes, driving them to the polls. I assume he paid  
20       them for that. We didn't discuss specific arrangements for  
21       that.

22                He did discuss specifically that he was paying  
23       people by the hour to work at the polls, either ten to  
24       twelve dollars an hour. He was trying to get them for ten.  
25       He said sometimes he had to offer 12 to get people to do it,

1 and he always had at least two people at each of the early  
2 voting sites that he was covering and each of the polling  
3 places on election day that he had covered.

4 Q And with the flat rate of \$1,625, would he be  
5 expected to be able to pay those workers those amounts out  
6 of that money?

7 A No, he was reimbursed for what he was paying.  
8 That's part of the money he was reimbursed for was the  
9 hourly payments to the early voters. He may have used that  
10 to front money to folks. I don't know. But he would tell  
11 me, you know, we had--he would tell--he would calculate the  
12 amount of hours the early voting sites were open, how many  
13 people he had there, and he would give me the amount of  
14 money he needed to pay those folks.

15 Q So did he tell you the number of workers he had  
16 working that he was needing reimbursement for?

17 A Yes, ma'am.

18 Q Or would he just give you a total amount that he  
19 had paid out for reimbursement?

20 A It was more that he would--sometimes he would tell  
21 me how many he worked and he'd tell me how many polling  
22 places there were and that he always had them covered by two  
23 people.

24 Do I know that the same two people stayed there  
25 all day? I don't. But he would tell me the number of hours

1       the polls were open and then how much he needed to be  
2       reimbursed for that, based on that and based on two workers  
3       being there while they were open.

4                 Bladen County was always covered. I believe  
5       during the primary Cumberland sites in our district, but I  
6       assume we weren't covering sites outside our district.  
7       Sites in our district were covered.

8                 He may have--I think he covered Robeson some  
9       during the primary. I don't recall. In the general  
10      election he covered Cumberland a little bit during early  
11      voting with paid workers, but not the entire time, as best  
12      I can recall.

13                He was given, you know, kind of leeway to use his  
14      people where he felt like he could get the best results out  
15      of his folks, and it also depended on his number--you know,  
16      his number of workers varied from time to time based on  
17      people's availability to work. So that also influenced the  
18      number of sites that were being covered.

19               Q       Was your understanding his number of workers  
20      fluctuated based on him reporting the number of workers to  
21      you or just him just telling you?

22               A       Him just telling me that. He never gave me an  
23      overall number of people he had working for him. I got the  
24      sense that it varied from day to day. I got the sense that  
25      some people worked for him for weeks or months at a time;

1 some people may have only worked a day or two.

2 And he had some folks that all they did was put  
3 up yard signs. I mean his workers--number of workers, from  
4 what he explained to me, varied greatly, but he never gave  
5 me an overall number of workers.

6 Q So if he told you, "I need to be reimbursed \$3,000  
7 for payments I've already made to workers," would you just  
8 cut a check for \$3,000?

9 A He would tell me what those workers had done, and  
10 it would be--he would tell me that he had clerical workers  
11 that he needed to be reimbursed X amount for clerical, and  
12 he needed to be reimbursed Y amount for people that put out  
13 yard signs. He needed to be reimbursed X for people that  
14 worked at early voting, and then he would give me a total.

15 So he would break it down on the phone with me or  
16 if the conversation happened in person, he would break it  
17 down.

18 Q And with respect to clerical, would that be  
19 someone that would work in the office that you referred to  
20 as having paid for?

21 A Yeah, that's my understanding of what it would be,  
22 but I was never in that office.

23 Q You've never been to that office?

24 A No, I've never been to the office. I couldn't  
25 give you the address of the office.

1           Q     Have you ever visited him or met with him in  
2     Robeson or Bladen County?

3           A     I don't--I think he stopped--in Robeson County I  
4     think he stopped by--I think we met him in a gas station or  
5     a fast food restaurant. I had been at an event with Dr. and  
6     Mrs. Harris. We were on the way back.

7                 He needed some campaign materials. I think that  
8     was--it may not have been in Robeson County. It was on the  
9     side of a highway. I went to Bladen County four total times  
10   over the course of the campaign that I can remember.

11               I went to his house in late June or early July to  
12   meet with him and learn about the program. I went back in  
13   the fall of 2017 to a fundraiser at Lu Mil Vineyard for Dr.  
14   Harris. I went back to a post primary victory dinner party  
15   that we had at Lu Mil Vineyard right after the primary.

16               It was probably about a week, week and a half--I  
17   don't remember exactly--after the primary, and I went back  
18   I believe it was the Wednesday after Hurricane Florence hit  
19   to help with Hurricane relief.

20           Q     You said that he sometimes came to your office.  
21   How far is Bladenboro from Huntersville?

22           A     Two and a half to three hours depending on traffic  
23   and where you're going, as best I can recall.

24           Q     And what would be the purpose for him coming and  
25   meeting with you?

1           A     He would come to get his checks. He didn't like  
2 to have his checks mailed. He would come and pick up this  
3 checks.

4           Q     Do you know why he didn't like to have his checks  
5 mailed?

6           A     I have--the only reason I know is I believe I  
7 mailed one check to him at the beginning. It took a few  
8 days to get there, and also he felt like his workers--he  
9 felt like they needed to be paid as soon as they were done  
10 or they wouldn't come back. So he was always needing checks  
11 to pay his workers.

12                 Sometimes somebody might--who was going down that  
13 way to Bladen or Robeson probably would have dropped off a  
14 check for him as well.

15           Q     Did he ever ask you to pay him in cash?

16           A     He did not.

17           Q     Did Red Dome Group pay McCrae Dowless for work  
18 that was not related to the Mark Harris campaign?

19           A     Yes, ma'am, we did.

20           Q     And I guess this would be other campaigns or  
21 candidates that were clients of yours?

22           A     It was other campaigns and candidates and then one  
23 non-campaign client.

24           Q     And do you have any knowledge right now of what  
25 the total of those payments would be to other campaigns?

1           A     I haven't done a thorough analysis of that. As  
2 best I can recall, the payment to the non-campaign client  
3 was--the payment for the work he did for the non-campaign  
4 client was \$1,000. My best guess is the payments to--from  
5 the other campaigns would have been somewhere in the  
6 neighborhood of 15 to 18 thousand dollars.

7                 And the payments to other campaigns were all  
8 during the general election. He didn't work for any of my  
9 other clients during the primary election.

10          Q     Did he ever ask for payments to be made--that  
11 would go him that were not clients of yours? So if it  
12 was not a client of yours, that he would ask someone to  
13 write a check to Red Dome so that he could be paid? Has  
14 that ever happened?

15          A     No, ma'am.

16          Q     Was Sheriff McVicker a client of Red Dome in 2018?

17          A     He was during the general election. He contracted  
18 with us to have Mr. Dowless do some grassroots work for him.  
19 He wanted to team up with the Harris effort so they  
20 could--so Mr. Dowless would have more resources so he could  
21 expand his number of workers for the absentee program for  
22 early voting, for other items.

23                 The McVicker campaign also contracted with Red  
24 Dome for me to provide some phone services. We did things  
25 like robocalls, ringless voice mail, things of that nature

1 for the McVicker campaign.

2 Q Do you recall how much he contracted with Red Dome  
3 for Mr. Dowless's absentee services?

4 A I believe it was \$8,000.

5 Q And what time period would that have been?

6 A I think it was either three or four payments. I'd  
7 have to go back and check. He contracted right after--about  
8 a week, week and a half after the primary election. I  
9 talked to Landon Bordeaux who was--I don't believe--I don't  
10 know if he was paid or not, but he was kind of the campaign  
11 manager for Mr. McVicker.

12 I talked to him the same day as the victory party  
13 in Bladen County while I was down there, and I spoke to  
14 Sheriff McVicker that night at the Harris victory party.

15 Q The \$8,000 though after the primary was payments  
16 that were to be made to McCrae for his efforts in the  
17 absentee ballot program, the \$8,000.

18 A Yeah. Absentee ballot and early voting, yes,  
19 ma'am.

20 DIRECTOR STRACH: Okay. I'm going to show you  
21 another document.

22 MR. LAWSON: Exhibit 25.

23 (Whereupon, Exhibit No. 25  
24 was marked for identification.)

25 Q Mr. Yates, this is an e-mail. It looks to be

1 shortly after the 2018 primary, correct?

2 A Yes, ma'am.

3 Q And if you look down at the third paragraph from  
4 the bottom, it says, "Expand turnout in Bladen County  
5 through paid grassroots efforts including the strong  
6 absentee by mail program very similar to the very successful  
7 program we ran in the primary but with an expanded audience.

8 "We will also be expanding this program going into  
9 Robeson and Cumberland Counties and working in partnership  
10 with local candidates such as Representative Brendan Jones  
11 and Sheriff Jim McVicker."

12 Was this what you were sort of talking about with  
13 partnerships with other candidates?

14 A Yes, ma'am.

15 Q And the expansion of the program, was that--where  
16 were the plans after the primary to expand the program?

17 A By expansion of the program, more workers  
18 primarily--

19 Q Not in Bladen County.

20 Q --because we would have more resources and we  
21 would be able to do more. We were very--I mean in the  
22 primary--frankly when we won the primary, we were broke.  
23 I mean I was worried we were going to lose because we were  
24 running out of money.

25 We had to drastically cut the budget in March

1 before the primary. I mean, you know, we were counting  
2 every penny before the primary. So I believe we could hire  
3 workers, better fund that program, better fund McCrae's  
4 other efforts so they would be expanded at early voting  
5 efforts, and that we could expand more into Robeson and  
6 expand more in Cumberland. We didn't have much luck with  
7 Cumberland.

8 Q So speaking of the primary, then, had you--was  
9 there a specific budget for Mr. Dowless? So regardless of  
10 how many requests he was able to get, was there a certain  
11 amount where he really was not going to get paid any more?

12 A There was an amount in the budget for Mr. Dowless.  
13 The primary had changed. I mean, when we had to cut the  
14 budget in March for the primary, we cut everything. We cut  
15 TV. We cut mail. We cut Conrad's grassroot workers. We  
16 cut McCrae's budget. And nobody was happy about that.

17 Everybody argued that their part of the budget  
18 shouldn't get cut, but we had to cut every portion of the  
19 budget and try to maximize resources as much as possible to  
20 try to get through the primary.

21 Q Was Mr. Dowless aware, for the primary, what his  
22 total budget was at various points?

23 A Yeah, we had conversations about it. He would ask  
24 me how much was left. He was always asking me about  
25 fundraising was going because I'm sure he was hopeful, just

1 like everyone else was, that he could get more money. And  
2 the TV people want more money for TV. I'm a mail guy, and  
3 I want more money for mail.

4 So we always wanted to know how the fundraising's  
5 going so we could argue that more money needs to be used in  
6 our area to better further the candidate's goal. And I  
7 don't think there's any vendor that ever thinks they have  
8 enough money to do what they need to do.

9 Q I'm certain.

10 A I've not met one.

11 Q So in the general election, and you wanted to  
12 expand the program, so I assume you assumed you were going  
13 to have bigger budget--

14 A Oh, absolutely. We--

15 Q --than what you had--

16 A We were confident in the nominee when we did have  
17 a significant bigger budget in the general election. We  
18 were confident the nominee--historically if the nominee were  
19 able to raise significantly more funds, PACs become  
20 interested that wouldn't give before, and donors stood out  
21 primaries. You get donors who had supported your opponent  
22 in the primary donate to you.

23 We were very confident that we would have a larger  
24 budget overall for the primary which we did--or for the  
25 general election than the primary, which we did.

1           Q     Did you establish like a separate budget for--in  
2     the general election for Mr. Dowless than whatever his  
3     budget was, and therefore he knew what he couldn't go over?

4           A     I believe that we had a--I believe there--I don't  
5     have the budget in front of me. It's been a while since  
6     I've looked at it, but I believe there was a line item in  
7     the budget that was related to Mr. Dowless.

8                 It was certainly communicated to him how much we  
9     had to spend, and he would ask especially during early  
10   voting because that influenced the amount of sites he could  
11   cover, for example, and how many people he could hire,  
12   whether he could pay them \$10 or \$12 an hour.

13               He would ask me how much money he had, how much  
14   he was going to be able to get. He was worried that--I mean  
15   he was worried and other folks were because the money ran  
16   out in the primary.

17               He was worried the money was going to run out in  
18   the general, so he would always be asking about fundraising  
19   numbers and how much he had left. He was not given an  
20   unlimited budget.

21               No one in the Harris campaign was given an  
22   unlimited budget including myself. I would've had heck to  
23   pay from Dr. and Mrs. Harris if anybody had been given an  
24   unlimited budget.

25               Q     Right. Were there times that you had to contact

1 him and say, "McCrae, we're getting close to what that  
2 budget"--

3 A There were times we had to have conversations  
4 about budget and dialing it back. I pushed him--he wanted  
5 to do \$12 an hour for early voting workers. At times he  
6 even talked about \$15 an hour, and I pushed him on \$10, and  
7 I said, "We've really got to try and stick to \$10 or we're  
8 going to run out of money for--money to be able to do it the  
9 entire time and we're not going to have the money to pay  
10 for poll workers on election day."

11 Q Speaking of workers, so you said you had a general  
12 sort of knowledge of the number of workers. Would you--  
13 could you at least give a good estimate of how many workers  
14 Mr. Dowless had working for him in the primary for 2018?

15 A It would be pure speculation. I mean he just  
16 mentioned workers. He never really gave a number. I mean  
17 if somebody told me how many early voting sites there were,  
18 how many polling places there were and things like that, I  
19 could look at that and speculate.

20 Otherwise, it would be a guess, and my  
21 understanding was--is it varied. He mentioned very few  
22 workers to me by name. He just generically talked about  
23 workers.

24 Q So you didn't have specific knowledge of the  
25 number of workers he had working the absentee by mail

1 program, did you?

2 A No, ma'am. No, I did not.

3 Q So you didn't know if there were five or if there  
4 were 15 people that were out getting requests and getting  
5 paid for getting requests.

6 A That's correct.

7 Q I assume that was the same thing in the general.

8 A Yes, ma'am.

9 Q At any time from the beginning in 2017 or any time  
10 throughout the campaign, did anyone ever express any  
11 concerns to you, anyone close to the campaign, about whether  
12 or not--or whether Mr. Dowless was engaged in conduct that  
13 was not permissible or illegal or collecting ballots?

14 Did anyone ever express any concerns to you that  
15 that might be what his strategy is?

16 A No, ma'am.

17 Q No one.

18 A No one.

19 Q So I'm sure you're aware that yesterday we heard  
20 testimony that Mr. Dowless's efforts were funding the  
21 collection of ballots. Were you aware of that?

22 A Are you asking if I'm aware of the testimony  
23 or--I'm not sure of what you're asking.

24 Q Are you aware of the testimony?

25 A I did hear yesterday's testimony, yes, ma'am.

1           Q     Were you aware that--were you ever aware that Mr.  
2     Dowless was paying individuals to collect ballots, not  
3     request forms but actual ballots?

4           A     No, ma'am. Mr. Dowless told me that he knew it  
5     was illegal to collect ballots and that he told all of his  
6     workers that it was illegal to collect ballots, that they  
7     would never collect ballots, that he never touched or  
8     handled a ballot.

9                 And I was shocked and disturbed to learn that it  
10    appears that it was not the case. If that had ever become  
11    evident to me during the campaign, I would've immediately  
12    cut off all contact with Mr. Dowless. He would've never  
13    been paid by Red Dome again.

14                 I would've told Dr. Harris to fire him  
15    immediately. If Dr. Harris hadn't fired him immediately,  
16    I would have resigned at that moment from the Harris  
17    campaign, and I would've immediately called either you or  
18    Josh Lawson at the State Board of Elections and told them  
19    what was happening in Bladen County.

20                 I care deeply about the integrity of our  
21    democracy, and I'm not going to put up with that junk and  
22    that, frankly, crap. Excuse my language. I've worked too  
23    hard to build my business to let one person lie to me and  
24    do something wrong that they specifically told me they  
25    weren't doing and ruin me and ruin my business.

1           And if I had known that, it would've been over at  
2 that moment.

3           Q     So you never had any indication that that might  
4 be going on.

5           A     I never had any indication. Never had the first  
6 suspicion.

7           Q     Part of the testimony that we had yesterday  
8 discussing that was that some of the workers were paid \$150  
9 for every 50 ballots that they collected, and then that  
10 amount changed to more of a flat rate.

11          Mr. Dowless is--basically he'd be coming to you  
12 for reimbursements for his workers.

13          A     Yes, ma'am.

14          Q     Were there ever any amounts that were given the  
15 you--because that money would've had to come from you. So  
16 were there any amounts he ever called you about that  
17 would've been--sort of raise your--I mean did he ever tell  
18 you it was for requests? I'm trying to understand what--

19          A     He would tell me there was money for requests.

20          He was still gathering requests all the way up until  
21 October, as far as I knew. Yes, ma'am.

22          Q     Right.

23          A     But he was telling me--he was also telling me  
24 about reimbursements he needed for workers that were not--  
25 that were somewhat generic in nature. And he was telling

1 me about reimbursements he needed to pay poll workers.

2 Q When you say "generic in nature," what kind of  
3 thing did he tell you he needed--

4 A Clerical work, without specification, would be the  
5 example of that, people that were working at--you know,  
6 they'd been working at events and things like that. When  
7 Dr. Harris would attend an event in Bladen County, that he  
8 had people there and had people to ride in the parade.

9 People would put out yard signs. My assumption  
10 at the time was that that information was 100 percent  
11 truthful and that that's what I was reimbursing those people  
12 for. I believed that at the time.

13 You know, after what I heard yesterday, I  
14 don't--I don't know--frankly, I don't know what to believe  
15 from what Mr. Dowless told me anymore.

16 Q So after what you heard yesterday, do you believe  
17 Mr. Dowless was collecting ballots in Bladen County?

18 A I don't know what to believe. I'm just deeply  
19 disturbed by it. I had no suspicion that he was doing it,  
20 and it would've been over the minute I had the first  
21 suspicion.

22 Q And as you got closer to the general election,  
23 once again, did anyone ever express any concerns during the  
24 campaign that--did anyone call you; did you get any  
25 complaints from anybody suggesting that McCrae Dowless's

1 operation in Bladen County was improper? Did anyone ever  
2 make any complaints to you about that?

3 A No, ma'am.

4 DIRECTOR STRACH: I want to hand you up the  
5 demonstrative of the checks that we've gotten from your  
6 records.

7 MR. LAWSON: Mr. Chairman, I've cleared  
8 with the parties that this demonstrative is a check log.  
9 We're going to label that 26. And then the checks  
10 themselves--we'll just do it all at one time--27. Would  
11 that be acceptable? And we have a series of--

12 CHAIRMAN CORDLE: You mean there's one exhibit  
13 of all of the checks?

14 MR. LAWSON: That's right.

15 CHAIRMAN CORDLE: All right. That's Exhibit 27.

16 MR. LAWSON: Right. And we have the  
17 invoices which will be 28, and these are all in one packet.  
18 So I'll hand these up and hand them out.

19 (Whereupon, Exhibits Nos. 26, 27, and 28  
20 were marked for identification.)

21 CHAIRMAN CORDLE: And you've got a demonstrative  
22 exhibit as--

23 MR. LAWSON: Yes, the demonstrative is the  
24 first page on the inside of that folder.

25 CHAIRMAN CORDLE: That's exhibit 26.

1           MR. LAWSON:           That's right.  
2           CHAIRMAN CORDLE:     And that's the check log?  
3           MR. LAWSON:           That's right. The rest are  
4       original exhibits, 27, in that folder. 28--

5           CHAIRMAN CORDLE:     27 is the checks.

6           MR. LAWSON:           That's right.

7       Q    Mr. Yates, do you see the demonstrative that has  
8       the check log?

9       A    Yes, Number 26, this document?

10      Q    Yes.

11      A    Yes, ma'am.

12      Q    And do you see at the bottom a total amount?

13      A    Yes, ma'am.

14      Q    Of \$132,365.57?

15      A    Yes, ma'am.

16      Q    And I think you testified earlier that there was  
17     some amount of checks that went to Mr. Dowless that were not  
18     in any way associated with the Mark Harris campaign. Is  
19     that correct?

20      A    That's correct. Yes, ma'am.

21      Q    And you said that was about--

22      A    It was about 15 to 18 thousand for campaign funds,  
23     best I can, you know, recollect without looking at this.  
24     And then there was \$1,000 for a project that was not a  
25     campaign project.

1           Q     And you said you never paid Mr. Dowless in cash,  
2 correct?

3           A     I never paid Mr. Dowless in cash.

4           Q     Was there any other way that you would have paid  
5 him other than by check?

6           A     There was a handful of wire transfers.

7           Q     So those would be a handful that would be in  
8 addition to that.

9           A     It would be in addition to, and it was--I think  
10 it couldn't have been more than--it was less than \$5,000  
11 total.

12          Q     And so for the time that--for the campaign, it was  
13 2017 through the election in 2018, he was roughly paid  
14 somewhere over \$110,000 to \$115,000. Is that a fair amount  
15 to say?

16          A     That seems right without me going back and adding  
17 up.

18          Q     And did that in any way seem--for what Mr. Dowless  
19 was doing and since it was confined to just Bladen and  
20 Robeson Counties generally, do you agree with that?

21          A     Yes, ma'am.

22          Q     Does that seem--did that seem to you excessive or  
23 unusual for that kind of program?

24          A     It didn't, because of the number of activities he  
25 was doing and because of the amount of people that he--that

1 it seemed like he had working for him and what he was paying  
2 those workers. It didn't red flag me as being excessive at  
3 all.

4 We spent, I believe, nearly two million dollars  
5 on the entirety of the Harris campaign. This was a,  
6 percentage-wise, not a large percentage of our budget. It  
7 didn't alarm me at all.

8 It didn't alarm Dr. Harris either, as far as I  
9 know. He never mentioned to me that he was concerned about  
10 the amount that we were spending with McCrae because we knew  
11 it was a labor intensive process and we knew from the  
12 beginning it was going to be a costly process to engage in.

13 Q Did the Harris campaign or anyone on behalf--on  
14 anyone's behalf of the Harris campaign ever express any  
15 concerns about the invoices that you provided to them?

16 A No concerns that I can remember.

17 Q You might not know this, but do you see the  
18 exhibit that has the invoices?

19 A Exhibit 28?

20 Q 28.

21 A Yes, ma'am.

22 Q Could you look through just the first couple of  
23 pages. Do you know why there's not a Harris 2 invoice?

24 A Let me look at this. I believe that this first  
25 invoice--the--Ms. Strach.

1 Q I'm sorry. Go ahead.

2 A The first invoice on here, I believe, should have  
3 been Harris 2. It's mislabeled as Grassroots. I think that  
4 was a clerical--

5 Q Okay.

6 A --clerical mistake on the part--sometimes I did  
7 the invoices; sometimes my office manager does the invoices,  
8 and the software can be a pain, and I think it just  
9 mislabeled the invoice.

10 Q That's fine.

11 A So I believe looking at the--I believe that should  
12 have been Harris. Well, now, wait a minute. That wouldn't  
13 have been Harris 2 because it's a different time and day.

14 So, no, I don't.

15 Q If you look at Harris 1, it covers 8/1 through  
16 9/5.

17 A My guess it's just a numbering issue. Because we  
18 pulled--this might be a better question for my counsel; that  
19 during discovery we went to the invoicing software where all  
20 the invoices are generated and pulled all the invoices.

21 Q The only reason I would ask that is that usually  
22 you can see that there was a time period--how often would  
23 you invoice?

24 A Generally it was once a month, but it would vary  
25 like--especially when we were doing things like digital

1 advertising, direct mail, when there were large expenses  
2 that I was having to expend on behalf of the campaign,  
3 diminished my cash flow. I couldn't always wait till the  
4 end of the month.

5 There were also times that we held back on  
6 invoicing at the end of FEC reporting periods, and we'd  
7 show--as every campaign does, you want to show that that's  
8 factual as possible, so you invoice after that deadline.  
9 I think that's the worst kept secret in politics.

10 Q Do you know all the other candidates that Mr.  
11 Dowless worked for in the 2018 election?

12 A I know--I don't know--I don't know all of them.  
13 I don't know who he might've worked for outside of  
14 candidates that he worked for through--that Red--I know the  
15 candidates that asked Red Dome to contract with Mr. Dowless  
16 as a service provider. I don't know who he may have worked  
17 for beyond that.

18 Q Can you list the ones you know for 2018?

19 A The ones that I know for 2018 were Dr. Mark  
20 Harris, the Harris campaign, the Jim McVicker for sheriff  
21 campaign, the Brenden Jones for House campaign, and the Jody  
22 Greene for sheriff campaign.

23 Q And the Jody Greene--

24 CHAIRMAN CORDLE: Excuse me. Were you making  
25 a distinction there between Dr. Harris and his campaign?

1                   THE WITNESS:         I wasn't intending to. No,  
2 sir.

3                   CHAIRMAN CORDLE:     I didn't think you were.

4                   THE WITNESS:         No, Mr. Chairman.

5                   CHAIRMAN CORDLE:     The way you said it. Okay.

6   Thank you. Excuse me.

7                   DIRECTOR STRACH:     No, that's fine.

8                  Q   With respect to the Jody Greene committee, the  
9   sheriff committee then, did Mr. Dowless--did he have his  
10  absentee ballot program going in Columbus County, not in the  
11  Ninth Congressional District, but did he have an absentee  
12  ballot program in Columbus County?

13                A   My understanding is that he did.

14                Q   Based on what he was asking you to reimburse, did  
15  you see evidence of that?

16                A   Yes, he was working, I believe, with--yes, I  
17  believe he was doing that. I believe he was doing that.  
18  I wasn't--you know, I wasn't talking to him on a daily basis  
19  about that campaign. He was supposed to be collecting  
20  absentee ballots in Columbus for Representative Jones and  
21  Mr. Greene.

22                Q   And--

23                A   That's collect the absentee ballot requests.

24                Q   Right, right. And when he would call you to seek  
25  reimbursement for workers, would he specify which county

1 those workers were working in?

2 A Yes, ma'am.

3 Q And so closer to the election, was he asking for  
4 reimbursement for workers working in Columbus County?

5 A Yes, he was.

6 Q Did he ever tell you the number of workers he had  
7 working in Columbus County?

8 A He did not. He would just tell me the number of  
9 ballots, like everywhere else. And, I'm sorry, ballot  
10 requests.

11 Q Right. How often would you communicate with  
12 McCrae Dowless?

13 A It was very frequently. He was somebody who was  
14 a needy person who wanted validation to know that Dr. Harris  
15 was happy; we were happy with the campaign. He was a  
16 political junkie. He wanted to know what was going on in  
17 every county.

18 He wanted--in the primary he wanted to know what  
19 Dr.--what Congressman Pittenger was doing. In the general  
20 election he wanted to know what we thought the McCready  
21 campaign was doing.

22 He wanted to know what we were doing in other  
23 counties. He wanted to know about the mail program. He  
24 wanted to know about TV. He wanted to know how much money  
25 we were raising.

1                   He--politics was his thing. He didn't have  
2 anything else going on. It's what he knew about. He'd ask  
3 me all kinds of questions about politics. And he'd also  
4 just call and talk about his personal life, things that were  
5 going on in Bladen County, things going on with the Soil and  
6 Water Board in Bladen County.

7                   He would--he just liked to talk. And he--to my  
8 understanding, he was talking to Dr. Harris frequently as  
9 well.

10 Q So how many times a day would he call you?

11 A I don't--

12 Q Was it a daily call?

13           A     I would say it was most days. I didn't answer  
14 every day.

15 (Laughter)

16 A There would be some times he would get mad because  
17 I would go two or three days without responding when I got  
18 really busy.

19 Q And was that his primary way of communicating with  
20 you, by telephone? Did he use text or e-mail?

21           A     He rarely if--he did not--I don't know if he's  
22 ever responded to an e-mail from me. That may be evident  
23 in production. I don't remember him--my understanding, from  
24 what Mr. Dowless represented to me, was he didn't really do  
25 computers; he didn't know--he wasn't comfortable with

1 computers. That's one reason he had clerical workers.

2 From what he told me, he didn't even have a  
3 computer until after the primary. He was not a computer  
4 person. He would very rarely text. It was always a short  
5 text, and it was usually, "Call me back. Why don't you  
6 answer the phone? Are you mad at me?" I mean that was kind  
7 of the extent of his text message conversations.

8 Q I don't know if you heard; in testimony we had  
9 yesterday from Lisa Britt, she talked about the fact that  
10 she remembered that you and Mr. Dowless had usually  
11 conversations that she thought could be daily in the morning  
12 where the two of you would talk about numbers.

13 And so I wanted to see if you could clarify.

14 There was some--not an understanding of her, but exactly  
15 what numbers Mr. Dowless was talking to you about.

16 A Dr. Dowless would call me early in the mornings,  
17 a lot of times between 6:00 and 7:00 a.m., because he knew  
18 he could get me, and if he waited to call later in the day  
19 he probably wouldn't get me over the phone; I'd be busy or  
20 something like that.

21 She was correct; the calls were early in the  
22 morning. We talked about a variety of numbers, primarily  
23 the number of absentee ballot requests. He was always  
24 telling me how many had come in the day before and how many  
25 they thought they'd have by the end of the week, how many

1 were in with each county.

2 He was into the absentee ballot request numbers,  
3 but we discussed a variety of numbers. He wanted to know  
4 how many people had voted in the Ninth District portion of  
5 Mecklenburg County, how many were Democrat, how many were  
6 Republican, how many were unaffiliated.

7 He was particularly concerned about Union County,  
8 what the numbers where there because it was a county of  
9 importance for us and how the turnout was looking there.  
10 He would want to know just a variety--polling numbers, for  
11 example, fundraising numbers.

12 He was always interested in the numbers to do with  
13 everything about the campaign. He just was a political  
14 junkie and wanted to know what was going on. So, yes, I'm  
15 sure we had conversations about numbers and lots of  
16 conversation was about the numbers of absentee ballot  
17 requests that he had collected.

18 Q And so he would talk about the number that he had  
19 collected.

20 A Requests that he had collected.

21 Q Requests that he had collected. Did he talk about  
22 the number that--because there's data that's readily  
23 publicly available, when those requests go out and when  
24 those absentee ballots come back in; you can track that.

25 Did he ever talk about when they came back in, how

1 many he thought were going to be voting for Mr. Harris?

2 A I don't remember him saying how many he thought  
3 were going to be voting for Mr. Harris from that. I can  
4 remember an occasion where he looked at the list of people  
5 that returned them and said, basically, looking at the list  
6 of people that returned them--I believe that was in Robeson  
7 County; I don't remember--that based on the names that he  
8 recognized on that list and people's party affiliation,  
9 people's demographics, that he felt like there was a lot of  
10 people on the list that would probably support Harris.

11 He never gave me a number on that. In fact he  
12 would ask me to check the Board of Elections and see how  
13 many ballots had gone out and how many ballots had come back  
14 in.

15 Q He would ask you?

16 A He would ask me. He never told me how many  
17 ballots had come back in. He would ask me on a reg--fairly  
18 regularly, you know, "Have you got the latest update from  
19 the Board of Elections?"

20 I think it usually comes out first thing in the  
21 morning. Sometimes it varies. And he would ask me what  
22 numbers were being reported for Bladen, what numbers were  
23 being reported for Robeson, and what numbers were being  
24 reported for Mecklenburg and Union.

25 Those were primarily the counties he was

1 concerned--and he would ask about Cumberland. Never really  
2 asked about Anson, Richmond, Scotland, some of the smaller  
3 counties.

4 Q So he would actually be getting--requesting data  
5 from you about Bladen County?

6 A About Bladen County, yes, ma'am. And actually  
7 Roger Younts who was contracted for me would e-mail--I  
8 believe those were provided in discovery--would e-mail him  
9 numbers about Bladen County, you know, what he--that he had  
10 gotten from the State Board of Elections.

11 That's something we do as a service for all of our  
12 clients. Whether they're running for County Commissioner  
13 to U.S. Congress, we provide them regular updates on, you  
14 know, with lists.

15 If people requested absentee ballots and things  
16 of that nature, we'd pull it off your website which you all  
17 do graciously do a great job of providing us with and  
18 getting it updated quickly. That's something we turn around  
19 virtually every day to clients once that information starts  
20 being posted.

21 Q I know at some point during the campaign usually  
22 there's concerns about, when it comes to absentee ballots,  
23 the fact that people will not return them. And I know there  
24 was some concern based on the e-mails that we have obtained  
25 that there was a need to get some information or

1 communication out to--letters to people that had requested  
2 absentee ballots, that had likely received their absentee  
3 ballots, and they needed to get those ballots back in.

4 And in those e-mail communications there were--it  
5 was suggested not to send any out in Bladen County even if  
6 those people had not returned their ballot. Is there a  
7 reason why?

8 A It was suggested not to in Bladen County because  
9 there was an expense involved in that and we were already  
10 incurring expense having McCrae's folks follow up door to  
11 door in Bladen County. In the other counties we didn't have  
12 people going door to door.

13 However, later, when I saw the absentee ballot  
14 request return rate, there were still a lot of absentee  
15 ballots out in Bladen County. I did have the Victory  
16 program that's run through the RNC and the State Party; I  
17 did ask them to increase their number--they were making  
18 calls to Bladen County and checking absentee ballots, and  
19 I asked them to actually increase their amount of chase  
20 calls into Bladen County to try to get that--the number of  
21 returns in Bladen up.

22 Q Did you discuss that--doing that with Mr. Dowless?

23 A I don't believe I did.

24 Q Do you think he would've approved if you had told  
25 him that you were going to have someone else down working

1       in Bladen to get people to return their absentee ballots?

2           A     I don't know. I got the feeling that he thought  
3     he had it--you know, his system worked and he had it  
4     handled. I didn't have the conversation with him, so I'd  
5     be speculating to say how he would've reacted.

6           Q     So you don't remember telling him--you didn't feel  
7     like you needed to tell him and say, "Hey, I'm getting you  
8     some more help here to make sure those people"--

9           A     I don't remember that conversation happening.  
10      This was during the last two or three weeks of the campaign  
11     when everything was crazy. And as things got busier, I can  
12     tell you that I spoke to him less as things got busier for  
13     me because I just didn't have the time to talk to anybody  
14     as much.

15                  (Whereupon, Exhibit No. 29

16                  was marked for identification.)

17           Q     I'm going to hand you up Exhibit 29. Mr. Yates,  
18     does this appear to be text messages between you and Mr.  
19     McCrae Dowless?

20           A     Yes, it does.

21           Q     And would you look at the two text messages at the  
22     bottom of this page--

23           A     Yes, ma'am.

24           Q     --where it appears that Mr. Dowless says, "Sent  
25     you an article from WFAE." It says, "North Carolina

1 elections investigators seize absentee ballots from Bladen  
2 County."

3                 And then he has another message that says, "And  
4 they got them a week and a half ago, Joan Fleming." What  
5 did that mean to you?

6                 A     I believe, if I'm reading this correctly, that I  
7 sent him the link.

8                 Q     So you sent him--

9                 A     I sent him the link. I believe--there's not a  
10 date stamp. It's a Wednesday. There's not a date stamp  
11 next to that one. I believe that was the Wednesday after  
12 the Board had not voted--it voted not to certify.

13                 At that time we had no idea what was going on.  
14 We were given no heads up that there was even any--just--  
15 any, you know, any possibility it might not certify. I  
16 found out they decided not to certify--I was driving on I95  
17 back from a business meeting in Jacksonville and got a text  
18 from a reporter asking if I knew what was going on, and I  
19 had no clue and had to pull off the interstate to try to  
20 figure out what was going on. I had no heads up, no clue, and  
21 my best guess--I don't know the date.

22                 My best guess is I found that article the next day  
23 as we were trying to find out what in the world was going  
24 on, and I sent it to McCrae to see if he knew what was going  
25 on. At that point we weren't even quite sure what county

1 the issues were in.

2 Q So do you remember after sending this to Mr.

3 Dowless, did he respond to you in any way?

4 A I don't remember getting any other response from  
5 him other than that they got them a week and a half ago from  
6 Joan Fleming. He--you know, during the short period of time  
7 I communicated with him then, he stressed that they did  
8 nothing wrong and emphasized that he didn't have any idea  
9 what was going on, what the issues--what the issues were,  
10 and if it was anything about him, it was made up by  
11 political rivals in Bladen--local political rivals in Bladen  
12 County.

13 Q So when you received information or became aware  
14 of the fact that there was an ongoing investigation and that  
15 there were potentially issues in Bladen County and knowing  
16 that you had basically been the person that had been cutting  
17 the checks to Mr. Dowless, did you reach out to him and say,  
18 you know, "These are serious allegations. Did you do this?  
19 Why would they think you've done this?"

20 Q He maintained to me that they had--we had some  
21 short discussions about that, and he maintained to me that  
22 he had no idea what they were looking into, that he had done  
23 nothing wrong, and that it was--there were--that he  
24 mentioned a Jens Lutz who served on the county board in  
25 Bladen County who was out to get him.

1           And he mentioned that Mr. Lutz was in cahoots with  
2   a Josh--I believe it was Josh Malcolm who served on the--I  
3   believe served on the previous state board. I could have  
4   his name wrong. And he said it was personal feuds between  
5   the two of them going back to local elections at Bladen  
6   County, and he said they were--he said that that's the only  
7   thing that he could think of was that they were out to get  
8   him.

9           As soon as I--over the next weekend, as soon as  
10   I began to realize the scope and seriousness of the  
11   allegations, I immediately cut off all contact with Mr.  
12   Dowless.

13        Q    When would you say the last time you had  
14   communication with Mr. Dowless was?

15        A    It was the Sunday, sometime Sunday or Monday after  
16   the second board vote not to certify. It was pretty quick  
17   once it became apparent that there was--I don't know the  
18   validity of any allegations in Bladen County. I haven't  
19   personally investigated them, but as soon as I started to  
20   see that there were some significant allegations, I quit  
21   having contact with him.

22        Q    Did he continue to reach out to you?

23        A    He tried to call me a couple of times. I think  
24   he sent a text message asking me to call him back. He  
25   pretty quickly got the hint that I wasn't calling him back,

1 and the next--I didn't communicate with him again after  
2 that. I saw him yesterday, and he waved. And that was the  
3 first communication I've had with him in, gosh, over two  
4 months.

5 (Whereupon, Exhibit No. 30

6 was marked for identification.)

7 Q Mr. Yates, do you recognize this e-mail?

8 A Yes, ma'am.

9 Q And it looks like it's an e-mail between you and  
10 Beth Harris.

11 A Yes, ma'am.

12 Q And look at the one at the top. This may be one  
13 of those visits to Huntersville, I'm assuming.

14 A No, it was over the telephone.

15 Q It was over the--

16 A I do remember this, yes, ma'am.

17 Q Okay. So in this it says that, "After reviewing  
18 the absentees sent out in Robeson so far and reviewing them  
19 with McCrae, we believe that 181 of them are from his list."  
20 How were you determining that?

21 A It was phone conversation with McCrae. I had--I  
22 or Roger one, probably Roger--I don't remember--had e-mailed  
23 him the list of absentee ballot requests from the Board's  
24 records that were for Robeson County.

25 And I asked--Beth was concerned about the absentee

1       ballots in Robeson County, particularly the high number of  
2       Democrat requests and just the high number of unaffiliated  
3       requests.

4                 I asked McCrae partially because I was interested,  
5       partially to ease her mind and concerns, to look at the list  
6       of absentee ballot requests that had come from the Board for  
7       Robeson County and compare that to the notes he kept and see  
8       how many of those requests he thought were requests that his  
9       team has generated.

10               My understanding was--I wasn't there when he did  
11       it, but my understanding was he looked at the list that had  
12       been sent to him, and he compared that list to his records  
13       that he had maintained on absentee ballot requests, and  
14       according to this e-mail he felt that 181 of the requests  
15       on that list were requests that his folks had generated.

16               Q       So you wouldn't have had the ability, based on the  
17       fact you paid--were paying \$5 per request, to go back and  
18       look at the number of requests you'd paid for to be able to  
19       determine the number that he had turned in to a particular  
20       Board of Elections?

21               A       I know that he wasn't always turning them in as  
22       soon as he got them.

23               Q       So you thought there might be some--

24               A       I thought there might be some out that he got--it  
25       says here he generated a total of 449. So obviously at that

1 point he had not turned in all of the requests he had  
2 generated.

3 Q So you believed, when you looked at that, that  
4 maybe he had asked for reimbursement for a number that was  
5 higher than 449?

6 A No, I don't have any reason to believe that he'd  
7 asked for reimbursement for a number that was higher than  
8 449.

9 Q Not that--

10 A He could have.

11 Q Right.

12 A I don't--I didn't have any reason to believe it  
13 looking at this e-mail.

14 Q I guess my question then is you couldn't rely on  
15 the numbers you would have had based on the payments--  
16 reimbursement payments for absentee ballot requests in order  
17 to know the number that he had received in each county.

18 A If I'm understanding your question correctly, I  
19 believe this--because he would've asked for reimbursement  
20 for requests prior to turning those requests in. So the  
21 only way I could verify--and even then I didn't know all the  
22 requests that were turned in in a county were from McCrae,  
23 because obviously there are people turning in their own  
24 requests personally.

25 We know in Bladen County there were other groups

1 turning in requests, et cetera. But until he had said that  
2 he had turned in all of the absentee ballot requests he  
3 received, that would be the only point where I would know,  
4 be able to have any--I didn't even speculate that the  
5 numbers lined up.

6 Q So this would not be--just to clarify, this would  
7 not be--this exercise that the two of you had to sort of  
8 look at the list and sort of determine what was his, you  
9 wouldn't have documented anything that you could then sort  
10 of check to see if that sort of married up the  
11 reimbursements you had made for requests.

12 A That's correct.

13 Q You didn't have that.

14 A I didn't have that.

15 (Pause)

16 MR. LAWSON: A quick clarifying question.  
17 So we want to make sure that we're understanding your  
18 explanation for the various services that Mr. Dowless  
19 provided to the committee that we're here for but also to  
20 other committees.

21 DIRECT EXAMINATION BY MR. LAWSON:

22 Q You indicated that there was grassroots activity.  
23 That could have included staffing and setting up events,  
24 early voting--you mentioned that one a number of times--plus  
25 the absentee ballot program. Are those the three

1 categories?

2 A Working early voting polls and election day polls.

3 Q Right. And so on Exhibit 26, the check log,  
4 because early voting was happening April 19th to May 5 and  
5 October 17th through November 3rd, does that indicate that  
6 all of this except for 27 through 29 and 55 through 57 is  
7 for something other than election day and early voting?

8 A I'm sorry, could you repeat--there was a lot of  
9 numbers. Could you repeat the question, Mr. Lawson? I'm  
10 trying to make sure I--

11 Q I know your rep. I know your rep.

12 MR. DALE: I was going to ask the same  
13 question.

14 Q So the exhibit pages numbered 1 through 57 which  
15 correlate to dates, checks, check numbers, and the total  
16 amount.

17 A Yes, this Exhibit Number 26, yes, sir.

18 Q That's right, and you had kind of--I'm trying to  
19 disambiguate what the services that were being provided and  
20 on what basis the payments would have been required.

21 A Sure.

22 Q So 1 through 26 takes you from the beginning in  
23 August of 2017 up until the last payment before early voting  
24 in the primary.

25 A Uh-huh (affirmative).

1           Q     So early voting in the primary would not have been  
2 included in 1 through 26; is that right?

3           A     It may have been included in a few of those later  
4 ones because McCrae would often want--McCrae felt like his  
5 workers--if he didn't pay them at the end of the--you know,  
6 quickly after they completed the work, they wouldn't come  
7 back.

8           Q     So--

9           A     So he would--I would pay him in advance a lot.  
10          I would--it wasn't--it was--wasn't maybe necessarily  
11 reimbursement. Sometimes it was payment in advance for  
12 payments that he was going to make to his workers.

13                 So some of that was not--some of those payments  
14 toward the end there in early April may have been payments  
15 that he requested to pay early.

16           Q     Okay. So towards to end of early April, it's like  
17 25 and 26 may have included early voting.

18           A     Yes, sir. I think that's fair.

19           Q     All right, and then same thing for the general  
20 primary, so taking you down to 55; that's a period of time  
21 when there was either a primary or a general prep that would  
22 have been readily apparent.

23           A     Yes.

24           Q     So how far up would you have gone?

25           A     I mean without looking at more information on the

1 checks, I would say maybe that--maybe the--like the 52 or  
2 53 may have been payments to get the capital to use to pay  
3 workers.

4 Q So the first absentee ballot, let's say, in Bladen  
5 County, because of the delay with the storm, went out on  
6 September 11. So you're saying for the whole time that  
7 absentee balloting was going on, we're not sure whether it  
8 might be 50 through 57 or what to try to disambiguate and  
9 figure out how much was being for which types of services.

10 A It would--yeah, it would--I mean with no more  
11 information than this, it would be hard for me to--

12 Q Because even if we went up a little bit, say one  
13 payment cycle, you're still looking at basically all but  
14 \$10,000 of this log being something associated with a  
15 payment other than early voting or election day activity.

16 So I was trying to get a sense of the proportion  
17 of what Mr. Dowless was doing. So out of not early voting  
18 and not election day, we had absentee balloting program,  
19 right?

20 A Uh-huh (affirmative).

21 Q And we had events management.

22 A Uh-huh (affirmative).

23 Q Anything else?

24 A Yard signs.

25 Q Yard signs.

1           A     And we re-did--because of the hurricane, we picked  
2 up--we paid them to go out and pick up the signs before the  
3 hurricane and to put them back out.

4           Q     And if you were to, in your experience and  
5 background--and I'm not asking you to speculate whatsoever.  
6 If you were to try to identify a third, two-thirds, almost  
7 all of his time being spent on one of the things, what would  
8 it be?

9           A     It would depend on the time of the campaign.

10          Q     Within the primary of the campaign?

11          A     It would depend on the--I would depend--I'm sorry,  
12 I should have said it differently. It would depend on when  
13 it was during the primary.

14          Q     So the yard signs go out before early voting  
15 starts.

16          A     Yes.

17          Q     So primarily--

18          A     The initial time, the focus would have been on  
19 absentee ballot requests and some event management, some of  
20 what you characterize as event management, your words, not  
21 mine, would have been during that time period as well.

22                 As it got closer to the election, he picked up  
23 more things, more events. There would have been yard signs  
24 going out, and then later a lot of the expenses that  
25 happened closer to the election were obviously for early

1 voting and poll workers.

2               Those were some of the larger payments because  
3 those folks were getting paid ten to twelve dollars an hour  
4 and you all probably know the hours early voting were open  
5 much more than I knew, but they were--we have quite a large  
6 number of hours for early voting in North Carolina, and we  
7 were having two people at each site that he was covering,  
8 at least two people.

9               Q     So it would be generous in taking it a pay cycle  
10 or two up. We're still looking at generously \$120,000. Of  
11 the \$120,000, how much do you think was being spent on the  
12 absentee ballot program?

13              A     I'd have no way of knowing from this log here, Mr.  
14 Lawson.

15              Q     Okay.

16              A     That would be pure speculation.

17              Q     I'm not asking you to speculate.

18              A     I'd have to go back and look at checks and other  
19 information. There's no way I could tell you that.

20              Q     That's fair. So absentee ballot requests, in kind  
21 of an inside/outside basis, and you are a numbers guy; I  
22 know you're--like I said, so am I. So inside/outside basis,  
23 would it be odd if in Bladen County there was 1,300 requests  
24 that were being claimed that you may have been having to  
25 reimburse for in the primary? Would not, right, because

1       that was well in excess of what they did in the general?

2           A     I don't know that it would have been that odd  
3     considering he had much more time. It may have been a  
4     little bit high, but he had much more time to work on  
5     absentee ballot requests in Bladen for the primary than he  
6     did for the general. It was a much quicker turnaround

7           Q     And I'm not asking you to speculate. I'm asking  
8     you to kind of reflect on conversations because apparently  
9     that's how this was tracked. In the primary you wouldn't  
10    have been surprised if in fact he claimed something like  
11    1,300 absentee ballot request forms during the primary just  
12    for Bladen?

13          A     I don't--I don't know that it--that number seems  
14    a little bit high, but I don't remember what he--what he  
15    requested. Didn't have any reason not to believe him.

16          Q     So in the general then in Bladen, would it be  
17    high, do you think, that he claimed 1,300 in the general  
18    election, not the primary, for the absentee ballots for  
19    which he wanted reimbursement?

20          A     That doesn't--I don't--I don't think it would've  
21    been high, but again, we were slowed down by the hurricane.  
22    Hurricane Florence slowed down a lot of our activity in  
23    Bladen County and in surrounding counties, but I--I mean  
24    that's like pulling numbers out of the sky.

25          Q     I'm not asking you--

1           A     I just--it's hard--it's hard for me to wrap my  
2 head around those numbers.

3           Q     In Robeson--it's a larger county, so  
4 (unintelligible) within CD9?

5           A     Yes, so if we only worked in Robeson County--my  
6 understanding is that Mr. Dowless only worked in the portion  
7 of the county that was both--in the general election at  
8 least it was both in Representative Jones's district and in  
9 Congressman Harris's district because that was where we felt  
10 like the most favorable voters were to Congressman Harris.

11           I believe--I'm not certain, but I believe that was  
12 the case in the primary as well because those are the  
13 precincts where the bulk of Republican primary votes come  
14 from. There's a lot of forces in Robeson County if you look  
15 at precincts, but there are very few Republican primary  
16 votes cast and even very few Republican votes cast in  
17 general elections. So we focused on the areas where we felt  
18 like we could get favorable results for Dr. Harris.

19           Q     That makes sense. But there's no, to your  
20 recollection, ballpark figure, whether that's 2,300, 2,000,  
21 1,500--

22           A     I'm sure he told me at some point. I don't have  
23 a written record of it, and I would just be speculating to  
24 tell you what he told me.

25           Q     Okay, because in the general there were only 1,369

1      in Bladen and right around 2,300 in Robeson in total  
2      requests by everybody.

3            A      Yeah. It was a lot less in Robeson. I--I know  
4      he--I mean my--I'm hesitant to speculate, but it was--it  
5      was--I mean most of his work involving absentee ballot  
6      requests was done in Bladen County. It was a much, much  
7      smaller number in Robeson. I do remember that. But I just  
8      don't want to speculate and give you all information that  
9      could be bad information.

10         Q      I appreciate that. We come up with our own.

11                  (Laughter)

12         A      You come with your own bad information?

13         Q      Well, you know. The absentee ballot program--and  
14      this is just the last clarifying question. I just want to  
15      make sure we've got some numbers down if you recall them.  
16      If you don't, that's fine.

17         A      Sure. Absolutely. Yes, sir.

18         Q      And understanding that you're not representing  
19      here today that what Mr. Dowless said was in fact the case.  
20      Right? So that he was making representations to you.  
21      Sounds like, you're not remembering specifically about other  
22      things; that he may have been making representations to you  
23      that you were more than willing to allow that program to go  
24      forward without, you know, really digging into whether or  
25      not it was 80 workers, 25, two, right?

1           But as far as the representation that he may have  
2 been making to you about the absentee ballot program  
3 specifically, in the primary of 2018 outside/inside numbers,  
4 minimum number of people working for him that you can  
5 recall, maximum number that he may have claimed, in Bladen  
6 County primary.

7           A     I only remember him mentioning one person  
8 specifically to me by name during the primary. I would have  
9 guessed that he could have had--I mean, and this is just  
10 pure guess for me. I could have guessed if add all the  
11 people he had working for him over the course of the primary  
12 from June to--from July to May. Was the primary May 8th?  
13 Is that correct?

14          Q     Right.

15          A     Between July 1st and May 8th, I mean people came  
16 in and out, and he could've had a couple of dozen. I don't  
17 know. He--you know, he--I remember him--the only person I  
18 remember him specifically mentioning to me working for him  
19 during the primary was a Jennifer.

20           He would mention other people that helped him with  
21 absentee ballots. I don't know if they worked for him or  
22 not. I don't know who he paid, who he didn't. I know--my  
23 understanding was there were some people that helped that  
24 were not paid.

25          Q     But he only mentioned--out of the potentially

1      dozens, couple of dozen, in the primary he only mentioned  
2      one by name.

3            A      I remember him mentioning one by name because he  
4      said she worked really hard, and I remember him mentioning  
5      her by name to me because at the victory party he introduced  
6      me to her briefly, and we spoke for maybe a minute. She had  
7      a couple of kids with her and had to go.

8            Q      Jennifer?

9            A      Jennifer, yes. I just thanked her for her--

10          Q      Boyd maybe?

11          A      I don't know, but I just got the name Jennifer.  
12         He just said she was one of his best workers. He wanted me  
13         to meet her, and I shook (sic) my hand out and thanked her.  
14         She had two young kids, and they were obviously ready to get  
15         out of there, and I wasn't going to hold her up.

16          Q      Good thinking. For the general election, same  
17         question: Outside/inside numbers of what you may have known  
18         versus what he may have claimed, people working for him on  
19         the general election. This is in Robeson and Bladen, the  
20         whole--

21          A      I mean again, it's just a pure guess.

22          Q      I'm not asking pure guess. So I don't want you  
23         to--

24          A      Yeah. It would--it would really be a guess. I  
25         mean I'm assuming he had, you know, at times quite a few

1 because of the results he was producing and the nature of  
2 the program, I mean just thinking about polling places and  
3 things like that, people working on yard signs, but I  
4 couldn't--I mean I don't really feel like I could hazard a  
5 guess as to that.

6 Q I'll clarify that the question is only with  
7 reference to the absentee balloting program. So does that  
8 change your primary answer?

9 A Not really. I mean, again, it's just--I hesitate  
10 to guess either one of those because he didn't--he never  
11 gave me a number of workers that he had. I don't know that  
12 it would--I just don't know.

13 MR. LAWSON: That helps clarify things.

14 DIRECTOR STRACH: I think that's all the  
15 questions. That's all the questions.

16 (Director Strach confers with Mr. Fleming.)

17 DIRECT EXAMINATION BY DIRECTOR STRACH (resumed): 3:35 p.m.

18 Q (By Director Strach) One last question.

19 A Yes, ma'am.

20 Q What did you know about McCrae Dowless's criminal  
21 background?

22 A I was told by Dr. Harris before I met with McCrae  
23 Dowless that McCrae had had some what he, I believe, called  
24 minor criminal issues related to a divorce 20 years ago or  
25 more before that time which was in late June of 2017.

1               And at the time I was wanting to go meet with Mr.  
2 Dowless, so I, like I do most people before I meet with  
3 them, I googled Mr. Dowless. I actually didn't know him  
4 well enough at the time to know how to spell his name  
5 correctly. I misspelled his name and googled M-c-r-a-e.

6               I did not know his first name was Leslie, so I  
7 didn't put his first name into the search. I just put M-c-  
8 r-a-e Dowless in the search.

9               One of the sites that came up was--I think it was  
10 courtrecords.org, and I clicked on that site, and I put in  
11 M-c-R-a-e Dowless NC. It popped up three charges that were  
12 misdemeanors with--that were all 20 years or more ago. And  
13 looking at those, I believed that they could've been related  
14 to a divorce.

15              I printed that, put the sheet in my desk drawer,  
16 and that was produced, I believe, by my attorney to you all.  
17 That was the extent of--that was the extent of what I knew  
18 about Mr. Dowless's criminal activities until after news  
19 reports surfaced after November 27th.

20              Q     Did Mr. Harris or anybody on his campaign ask you  
21 to run a criminal background check or is that something you  
22 just initiated yourself?

23              A     No, ma'am. No one asked me to conduct a criminal  
24 background check. I don't even feel like I initiated a  
25 criminal background check. Like I do with most people

1 before I meet them, I put his name into Google. That popped  
2 up, and I, just out of curiosity, thought I would click on  
3 it and see what was there.

4 Q So this was not something you were doing as maybe  
5 you would do with any contractor or worker, sort of  
6 conducting a little background check.

7 A I do not--as a rule, I do not conduct criminal  
8 background checks on contractors. Normally contractors that  
9 I hire are recommended to me by people that I trust and  
10 respect. A lot of them are people that I know, and I just  
11 had never felt a reason to conduct a criminal background  
12 check on a contractor.

13 To my knowledge, I have never had a client conduct  
14 a criminal background check on me. I don't recall any  
15 client ever asking for my permission to do it or any  
16 information from me to do it.

17 And when I worked on campaigns, I don't recall  
18 any campaign ever asking me if it was okay to do a criminal  
19 background check or obtaining things like my birth date,  
20 full name, Social Security number to be able to do it.

21 Q If you had run a full background check on Mr.  
22 Dowless and you had seen that he had been convicted of  
23 crimes that went to his truthfulness, would that have  
24 changed your opinion about working with him?

25 A Absolutely.

1           Q     And then I know that we've talked primarily, when  
2     we were talking about absentee ballots, the collection of  
3     ballots.

4           A     Yes, ma'am.

5           Q     But one of the other things that you heard in the  
6     testimony yesterday was about the witnessing of ballots.  
7     Did you ever have any conversations with Mr. Dowless about  
8     the absentee process and the individuals that were working  
9     for him going and witnessing ballots?

10          A     I was not aware that they witnessed ballots or if  
11    they didn't witness ballots. We had no conversation about  
12    that.

13          Q     So your understanding of what I call Part 2 of his  
14    program, which is the going back, the door to door type  
15    going back and encouraging people to mail their absentee  
16    ballots--

17          A     Yes, ma'am.

18          Q     You never had discussions with him about what  
19    exactly they would do when they would go back. Would they  
20    serve as witnesses? Did you ever have any conversations  
21    with him about that?

22          A     I don't remember any conversation specifically  
23    related to that. I mean my understanding was that they were  
24    there; if somebody asked them if they would serve as a  
25    witness, that it was okay for them to do that, but we didn't

1 have any specific conversation about that.

2                 The specific conversations we had related to you  
3 did not touch, handle, fill out, manipulate a ballot in any  
4 way. You didn't take a ballot and put it in the mail. You  
5 did not touch a ballot.

6                 It didn't--and the example he always used was it  
7 didn't matter if it was an elderly person and they could not  
8 get out of their house. You couldn't take their ballot to  
9 the mailbox.

10               Q     And was--that conversation which was the first  
11 time you met him, correct?

12               A     Yes, ma'am.

13               Q     Was that the last time you ever talked about the  
14 mechanics of his program?

15               A     In that detail. And before ballots went out in  
16 the primary, we had the same conversation about people not  
17 touching the ballots, and I specifically asked him if he had  
18 told his workers that, and he promised me that he had told  
19 his workers that they could not touch, manipulate, handle,  
20 fill out, mail absentee ballots, and that he gave them the  
21 same example.

22               We had the same--I reminded him of that  
23 conversation and reminded--and we had that same conversation  
24 before the general election, and he promised me again that  
25 he had told his workers that, because I knew that that was

1 the one big no-no with absentee ballots.

2 So I wanted to make certain that he was--and I  
3 knew that he knew that, so I wanted to make certain that he  
4 was communicating that to anyone that was helping him.

5 Q So was there any specific concern that made you  
6 prompt him to promise you that he would tell his workers  
7 that?

8 A No specific concern at all. I just knew he had  
9 a number of workers and wanted to make sure he was making  
10 them aware because I didn't know what their knowledge--I  
11 didn't know them; I didn't know what their knowledge may or  
12 may not be, so I wanted to make sure that he told them so  
13 they would have that knowledge.

14 Q And finally, I'm not sure if you were in  
15 attendance, but there was a sort of a county, I think, chair  
16 meeting of the campaign where some of the county chairs got  
17 together; they had a meeting, and Mr. Dowless, I think,  
18 spoke at that meeting about the absentee program.

19 A Yes, ma'am, he did.

20 Q Were you there for that meeting?

21 A I was, yes, ma'am.

22 Q And did he describe his absentee program in the  
23 same way he described it to you?

24 A He did, yes, ma'am.

25 DIRECTOR STRACH: That's all our questions.

1 CHAIRMAN CORDLE: Let's take a quick break, ten  
2 minutes.

3 (Whereupon, a brief recess was taken  
4 from 3:39 p.m. to 3:59 p.m.)

5 CHAIRMAN CORDLE: Can we come back to order  
6 please. Mr. Lawson, are you all finished with this witness  
7 at this time?

8 MR. LAWSON: We are, sir.

9 CHAIRMAN CORDLE: Elias.

10 CROSS EXAMINATION BY MR. ELIAS: 3:59 p.m.

11 Q Mr. Yates, thank you for persevering--

12 A Thank you, sir.

13 Q --and being here. I know it's been a long couple  
14 of days. My name is Mark Elias. I represent Dan McCready  
15 in this matter. Where did you say in North Carolina you're  
16 from? Where do you live?

17 A I live in Huntersville, North Carolina.

18 Q And how far from Bladen--Bladenboro is that?

19 A Two and a half to three hours depending on traffic  
20 and where you're going in Bladen County.

21 Q And I notice in one of the e-mails you are listed  
22 as the senior partner of Red Dome.

23 A Yes, sir.

24 Q So what is the structure of Red Dome?

25 A So, I mean, Red Dome is mostly me. I have

1 someone--I have an office manager. I had another full time  
2 employee who's not there. We have a number of other--most  
3 of our employees are independent contractors. I've got a  
4 graphic designer, another consultant, couple of other  
5 graphic design, social media people. It's a pretty small  
6 business. It's primarily me.

7 Q And when did you start Red Dome?

8 A I started Red Dome--I actually had a partner when  
9 I started Red Dome, and that was in April of 2013.

10 Q 2013, okay.

11 A Yes, sir.

12 Q And in the 2016 election cycle--you have quite an  
13 extensive political history. So just in the 2016 election  
14 cycle, who did you work for?

15 A I'd have to have my records to list everybody.  
16 There's a number. We did, as I mentioned, the IE for Dale  
17 Folwell for the State Employees Association, who's our--  
18 Dale's now our state treasurer.

19 I did a couple of other IEs. I worked with a  
20 number of state legislative candidates. Worked on an IE  
21 congressional race in Oregon.

22 Q Other than the Oregon race, were all the other  
23 clients in North Carolina?

24 A I would--just guessing at it, without looking at  
25 records, I would say 90 percent were in North Carolina.

1 Q So the overwhelming majority.

2 A Yeah. Each cycle we do more and more out of  
3 state, but we started in North Carolina and my background's  
4 North Carolina.

5 Q So you're pretty familiar with North Carolina  
6 politics.

7 A Yes, sir.

8 Q And part of the election in 2016 was the  
9 governor's race, right?

10 A Yes, sir.

11 Q And do you remember that election--the election  
12 results, any controversies afterwards?

13 A I remember it being close and there were some  
14 controversies. I wasn't involved in the governor's race at  
15 all. All of my clients in 2016, as the good work--good work  
16 would have it, all my clients in 2016, I believe, won. We  
17 didn't have any recounts, any issues.

18 As I like to do once elections are over, I checked  
19 out and took a little break, and I wasn't involved at all  
20 that I can--at all in the governor's--in any of the recounts  
21 and issues around the governor's race.

22 Q Were you aware that there were recounts and issues  
23 around--

24 A I was aware there were recounts and issues.

25 Q And did you know that any of them involved Bladen

1 County?

2 A I remember hearing that there were some issues  
3 involving Bladen County.

4 Q And what do you recall were those?

5 A I think they were around the Soil and Water  
6 Conservation race.

7 Q Not around the governor's race.

8 A I don't remember it specifically being around the  
9 governor's race, no, sir.

10 Q And what--you've mentioned a few things, digital  
11 field, and I think you've said that you're a mail guy.

12 A Yes, sir.

13 Q Am I correct? Direct mail?

14 A Yes, sir. Direct mail.

15 Q Paid phones.

16 A Paid phones, yes, sir.

17 Q What other services does Red Dome provide?

18 A So we do communications for candidates.

19 Q Radio, television?

20 A We don't do television. We do some radio in  
21 house. We don't generally do television in house. We  
22 occasionally do--we partner with some other firms that do  
23 TV. We do our direct mail and our digital in house.

24 Sometimes we do all of our research in house. On  
25 more involved races like a congressional, we farm that out.

1    We do public affairs, issue advocacy campaigns.  We'll do,  
2    you know, paid phones.  We do the new peer to peer texting  
3    that everybody's using now.

4                Tons of digital--primarily digital direct mail  
5    with some strategic consulting and general consulting and  
6    just overall communications consulting.  Then we have some  
7    corporate not-for-profit clients as well.

8                Q      And for the Harris campaign, did you provide all  
9    of those services for--

10          A     We did not do the television advertising.  A firm,  
11   Greener Club that I have a close relationship with that I  
12   do work with a lot, partner with a lot, did it during the  
13   primary.  And then another firm did it in the general.

14               We did do the direct mail for the entire campaign.  
15   We were the general consultant in the campaign.  We did  
16   communications consulting.  We write press releases,  
17   speeches, debate prep.

18               We did almost all of the digital.  The TV firm did  
19   a little bit o digital as well, I believe, in the general  
20   election, but I would say the vast, vast majority of the  
21   digital we did.  So that we were--we're primarily involved  
22   on the advertising side and the messaging side of campaigns.  
23   That's sort of my specialty and what I enjoy.

24          Q      And what about the field or voter contact  
25   programs?

1           A     That's something that--not something that we do  
2     a tremendous--a tremendous ton of. Usually the campaign  
3     hires people to do that. We may offer some advice here and  
4     there. We may just go with the candidate's program.

5                 Primarily we'll look--you know, primarily what  
6     I'll look at in the field is this is where we need--from an  
7     overall strategy and budget example, this is how much money  
8     we have to spend on field.

9                 Sometimes the candidates make those decisions.  
10    They've already--they've already made a deal; they've  
11    already made a contract with somebody, and you're--you've  
12    got to do--they're in an agreement with somebody, and you've  
13    got to honor that.

14                 But grassroots, I mean, I'm not involved in the  
15    day to day. I started out working in campaigns, and I don't  
16    particularly have any more--I've knocked on enough doors  
17    and made enough phone calls. I don't--that's just not what  
18    I enjoy. It's not my wheelhouse.

19                 There's firms that are great at that, and if  
20    somebody needs one, I'm happy to refer people to those  
21    firms. A lot of campaigns bring in-house. Usually with  
22    the grassroots, I'll say, "Based on that particular  
23    campaign, these are the areas that need to be focused on."

24    Q     And in this case this was an example of that,  
25    right, where Mr. Dowless had already made a deal with Mr.

1 Harris before you even came on board?

2 A Yes, sir. That's correct.

3 Q So really what Mr. Dowless did was not his  
4 function, not his conduct but his function was not really  
5 your background.

6 A Correct.

7 Q And Mr. Harris--do you know how Mr. Harris knew  
8 Mr. Dowless?

9 A Mr. Harris told me that he was introduced to Mr.  
10 Dowless by Judge Marion Warren, who's a well respected judge  
11 and someone I knew here in North Carolina.

12 Q In Bladen County?

13 A I don't think he was--I think he had left the  
14 bench at that time. He--I believe he's from Brunswick  
15 County, but his judicial district included Brunswick,  
16 Columbus, and Bladen Counties.

17 Q I see. And do you know who Mr. Dowless had worked  
18 for in Republican politics in 2016?

19 A I know he worked for Todd Johnson who was a  
20 candidate for Congress in 2016. I believe he may have  
21 worked for a Republican state legislator. I'm not--I  
22 couldn't speak to that with certainty.

23 Q So in that Republican primary in 2016, you  
24 mentioned Mr. Dowless, and I assume he was a Republican.

25 A Yes, sir.

1 Q And I assume we're talking about the primary.

2 A Yes, sir.

3 Q So you had Mr. Johnson. Who else was in that  
4 race?

5 A Dr. Harris and Congressman Robert Pittenger.

6 Q And who won the primary?

7 A Overall?

8 Q Yeah.

9 A Congressman Pittenger.

10 Q I see. So Congressman Pittenger was a Republican;  
11 he won the Republican primary, and then went on and won the  
12 general election; is that correct?

13 A Yes, sir.

14 Q When did Red Dome--I'm going to say you; I'll say  
15 Red Dome, but I mean them interchangeably.

16 A That's fine.

17 Q If I get them wrong, you'll tell me. When did  
18 you have your first conversation with Dr. Harris about Red  
19 Dome?

20 A The first conversation I had--

21 Q Not about Red Dome. About Mr. Harris--about Mr.  
22 Dowless.

23 A Mr. Dowless. Okay, I'm sorry. The first  
24 conversation I had with Mr. Harris about Mr. Dowless I  
25 believe was around the last week of June. Could have been

1       the next to the last week of June of 2017, but I believe it  
2       was the last week of June in 2017.

3           Q       And what was that conversation?

4           A       We were--at that point we were about to start the  
5       campaign. I was helping kind of--I wasn't going to start  
6       till July, so I was helping gratis get the--you know, the  
7       Bladen leg work for officially starting the campaign, as is  
8       common for consultants to do.

9                  And Mr. Harris mentioned to me that he had met Mr.  
10      Dowless. He'd been introduced to him by Judge Warren and  
11      some others--he talked about--to some other people in Bladen  
12      County about Mr. Dowless. They all had good things to say  
13      about him. Said he was a good guy. He was somebody they  
14      respected.

15                 These were all business community leaders. I  
16      think some other elected officials in Bladen County had said  
17      very nice things to Harris about Mr. Dowless, and Judge  
18      Warren had said that, you know, "I wish I had known you were  
19      running"--I'm paraphrasing Dr. Harris. I wasn't there for  
20      Judge Warren's conversation.

21                 But Judge Warren had said something to the effect  
22      if, "I wish I had known you were running in 2016 before I  
23      did, and I would've introduced you to McCrae. He could've  
24      worked for you in 2016. He's a really good guy. You need  
25      him to work for you in Bladen County, the eastern part of

1 the district."

2 They had vouched for him. Mr. Harris told me that  
3 he had met with Mr. Dowless. I believe but I'm not certain  
4 that Ms. Harris had met with Mr. Dowless either; I don't  
5 remember if that's the case during the initial meeting.

6 And at that point they had already brought Mr.  
7 Dowless to Charlotte and he was helping out a friend of  
8 theirs, Pete Givens, who was a candidate for City Council  
9 that the Harrises were supporting.

10 Q When were you retained by Mr. Harris?

11 A Officially I think--it officially would have been  
12 the beginning of July.

13 Q But when did you--when did you meet him and  
14 believe that if he ran, you were going to be working for  
15 him?

16 A Well, I think that's two--that's two different  
17 questions. I can tell you when I met him, and I can tell  
18 you when I believed I was going to be working for him.

19 Q That'd be great.

20 A Okay. You want me to answer them both?

21 Q Sure.

22 A Okay. So I met him--it was probably late February  
23 or early March. I was referred to him; he was referred to  
24 me. He reached out. I met him. He--we had a great  
25 meeting. I met him and Ms. Harris. Hit it off with them.

1      Found out we knew a lot of the same people. Had a similar  
2      philosophy.

3                I kind of do a two part presentation with folks.  
4      It was more of a conversational approach, finding out what  
5      services he needed. I went back and put together a proposal  
6      on what Red Dome does. Put together a draft budget that I  
7      would recommend with a couple of different options for a  
8      congressional primary of that nature.

9                I sent all that to him. It was probably several  
10   weeks later by the time I put that together and sent it to  
11   him. We had a couple of communications. I believe we met  
12   one more time, and then it was probably around the middle  
13   of June when--early or mid June when I became pretty  
14   confident that if everything worked out, I would--I and Red  
15   Dome would be working with Dr. Harris.

16               Q      And by that time he had already contracted with  
17   Mr. Dowless.

18               A      That is my understanding.

19               Q      And that was your understanding at the time?

20               A      Yes, sir.

21               Q      So essentially by the time you come on board, Mr.  
22   Dowless is kind of a fact, a fact of life for you.

23               A      Yes, sir.

24               Q      And as part of your presentation that you did or  
25   as part of your conversation with Mr. Harris, did you do any

1 analysis of the 2016 primary?

2 A I did, yes, sir.

3 Q And did any portion of that touch on Bladen County  
4 and vote totals?

5 A A little bit. I mean I looked at vote totals in  
6 every county, and I looked at what I thought turnout would  
7 be in 2018 because 2016 was a special primary. 2018 was a  
8 blue moon primary. So obviously numbers would be different.  
9 So I had used history to figure out what I thought 2018  
10 might look like.

11 Q And was there anything about the results in 2016  
12 in the primary that struck you as unusual?

13 A There were a few things. One thing was that  
14 Congressman Pittenger was extremely weak outside of  
15 Mecklenburg County. That his vote was heavily concentrated  
16 in Mecklenburg.

17 One thing I thought was surprising was that Dr.  
18 Harris did better in Union running against a favorite son  
19 in Union County than I thought he would.

20 I did notice that Todd Johnson did well in Bladen  
21 County, and my guess, my assumption at the time was maybe  
22 he had a local connection there. Maybe he personally had  
23 a tie there. I wasn't sure.

24 I had heard through the grapevine when I started  
25 asking around about the race, doing my due diligence

1 presentation, that Todd had worked that end of the district  
2 hard. That he had focused on some of the smaller counties.

3 Q Had you noticed how well he had done in absentee  
4 balloting versus not absentee balloting?

5 A I did. Yes, sir.

6 Q And how well did he do in absentee balloting in  
7 2016 in Bladen County?

8 A I don't remember the exact numbers, but it was  
9 pretty close to--it was pretty close to all the absentee  
10 ballots were for Mr. Johnson.

11 Q We're going to put up what I'm going to mark.

12 MR. BERKON: I think we've marked it.

13 MR. ELIAS: It's been marked.

14 CHAIRMAN CORDLE: Exhibit 16.

15 MR. BERKON: I believe it is 15, Mr.  
16 Chairman.

17 MR. ELIAS: Bring him a copy?

18 CHAIRMAN CORDLE: Yeah, I believe it is Exhibit  
19 15.

20 MR. BERKON: Is it okay if we just bring  
21 him a second copy?

22 CHAIRMAN CORDLE: Sure.

23 MR. BERKON: Thank you.

24 Q What you're being shown are the 2016 primary  
25 absentee by mail vote totals on the bottom half and the 2018

1 primary election absentee by mail vote totals on the top.

2 They're from the State Board's election site.

3 Do these look familiar to you?

4 A Yes, they look familiar.

5 Q Let's look at 2016. You see Bladen County?

6 A Yes, sir.

7 Q Harris got four votes; is that correct?

8 A Yes.

9 Q Pittenger got one vote?

10 A Correct.

11 Q And Johnson got 221. Is that--just as an  
12 experienced operative, been involved in a lot of campaigns  
13 and reviewed a lot of data, does that strike you as unusual?

14 A Not unusual as much as it told me that Todd  
15 Johnson was running an absentee ballot program in Bladen  
16 County and nobody else was.

17 Q So it's not unusual. Can you give me any example  
18 from any election you worked on with any county that  
19 reflects results--

20 A Not off the top of my head. I--

21 Q If I gave you time--

22 A I don't keep results by memory.

23 Q If I gave you time, do you think you could find  
24 one?

25 A Possibly.

1           Q     You say it's not unusual. I'm just curious. What  
2     is the basis upon which it is--if you can't think of any  
3     other examples.

4           A     It wouldn't surprise me that if one--if you've got  
5     a three candidate primary, low turnout at a small county,  
6     and one person--one campaign is working that county and the  
7     other two aren't, none of the candidates have relationships  
8     or ties to that county, that the one candidate that's  
9     working, the one candidate that they know would do very  
10    well.

11          Q     Would you say 221 of 226 votes is very well or  
12    better than very well?

13          A     That may be better than very well. I mean  
14    it's--I would--yeah, it's a good, strong result.

15          Q     And if you look at the other counties in 2016, do  
16    any of them reflect a similar strong result by any  
17    candidate?

18          A     Not as strong as that result, although the mail-  
19    in number for Pittenger in Mecklenburg is very strong.

20          Q     So when you looked at these 2016 results and saw  
21    that Johnson, who didn't win the primary overall, right?

22          A     Uh-huh (affirmative).

23          Q     Did he come in second?

24          A     No, he came in third.

25          Q     Did he come in a close third?

1       A     It was relatively a close third. I think all the  
2 candidates had between 30 and 36 percent of the vote. I'm  
3 going of memory. Don't hold me to that.

4       Q     Did it strike you as odd that the candidate who  
5 came in third overall got 221 of 226 vote in one county?

6       A     It didn't strike me as odd. It made me wonder  
7 what he did in that county.

8       Q     And did you dig into what he did in that county?

9       A     I remember asking Dr. Harris about it, to see if  
10 he knew anything about it.

11      Q     And what did Dr. Harris say?

12      A     He told me that he--he did mention McCrae to me  
13 at that point because we were just talking numbers. We  
14 weren't--you know, as consultants, but he said that he  
15 didn't run an absentee ballot program in that county.

16           That Congressman Pittenger--his perception was  
17 that Congressman Pittenger pretty much--campaigned a little  
18 in Union, but because that was a short primary, that  
19 Congressman Pittenger almost exclusively campaigned in  
20 Mecklenburg County in that primary and that Todd Johnson ran  
21 an aggressive campaign in Bladen and an aggressive absentee  
22 program in Bladen. He didn't go into any of the details at  
23 that time.

24      Q     Did Dr. Harris indicate to you that he had found  
25 the results suspicious?

1           A     He did not.

2           Q     Do you--are you aware that he had publicly stated  
3     that he had found it suspicious?

4           A     I was not aware of that until I read it in news  
5     reports after November 27th.

6           Q     Of this year.

7           A     Of this year. Yes, sir.

8           Q     Were you aware that he was warned--that he said  
9     he was warned of possible fraud in June of 2016?

10          A     Absolutely not.

11          Q     Were you aware that he had said that he had--I'm  
12     sorry. Were you aware that he had been told by his advisors  
13     that something shady had occurred?

14          A     I was not aware of that. No, sir.

15          Q     Are you aware that he had asked his attorney to  
16     look into the results we just saw?

17          A     No, sir. I was not aware of any of that until it  
18     appeared in news reports after the Board did not certify the  
19     election on November 27th.

20          Q     So Mr. Harris never shared with you the concerns  
21     that he had had previously about Mr. Dowless's activities?

22          A     Not that I can recall. No.

23          Q     How about Congressman Pittenger; did you ever  
24     recall him expressing concerns about Mr. Dowless?

25          A     No, sir. I could count on one hand the

1 conversations that I have had with Robert Pittenger.

2 Q Did you ever read anything publicly that Mr.

3 Pittenger said--that Congressman Pittenger said about Mr.

4 Dowless?

5 A Not until after the election was not certified on  
6 November 27th.

7 Q You said that Mr. Dowless was a chatty fellow who  
8 liked to talk a lot.

9 A Yes, sir.

10 Q I take it from your testimony that he didn't just  
11 call you and want to talk to you, but that he spoke  
12 frequently with candidate.

13 A That's my understanding from what both of them  
14 have told me.

15 Q It sounds like he was calling you daily, or trying  
16 to call you daily?

17 A Yeah, trying or--most days. There would be times  
18 where he didn't.

19 Q And is it your sense that he was having that same  
20 level of frequent conversation with Dr. Harris?

21 A I can't say if it was daily, but I would say it  
22 was frequently. I would say it was frequently.

23 Q And were there any other consultants that you're  
24 aware of who were talking to Dr. Harris as frequently?

25 A Consultants? Do you mean consultants or campaign

1 staff, for clarification?

2 Q Not campaign staff, but consultants like Mr.  
3 Dowless.

4 A Probably not during the primary. During the  
5 general, Jordan Shaw who's one of our media consultants, I'm  
6 certain he talked to Dr. Harris, if not daily, almost every  
7 day and multiple times a day.

8 Q So Mr. Dowless was one of the most important  
9 consultants to Dr. Harris in his campaign.

10 A I can't speculate as to whether he was one of the  
11 most important. I can tell you based on what was  
12 communicated to me by Mr. Dowless about the amount of  
13 conversations they had, he would be one of the ones who  
14 talked to him the most.

15 I'm not sure that somebody talking to somebody the  
16 most necessarily means they're the most important.  
17 Unfortunately I have some people that call me and talk to  
18 me quite a lot that might not be on my most important list.

19 Q I understand that. Believe me. Let's look at the  
20 top part of this exhibit. Do you recognize these results?

21 A Yes, sir.

22 Q And how would you characterize Dr. Harris's  
23 performance in 2018 in Bladen?

24 A I would say that was the performance we expected  
25 based off the resources that we put into Bladen County, the

1 time and effort that was put into Bladen County.

2 Q You expected the results to be 437 to 19?

3 A I don't know if I expected 437 to 19. I didn't  
4 have a sense for what the other candidates' absentee votes  
5 might be, but I expected us to have in excess of 400  
6 absentee votes based on the amount of requests that Mr.  
7 Dowless had told me that he had generated of people that  
8 were likely to support Harris in the primary.

9 If anything, I probably thought that that number  
10 was a little bit lower, based on the number of requests that  
11 he had told me he had generated. And he had worked on those  
12 requests at least since July. When I met with him the first  
13 time, he told me he already had request forms that had been  
14 completed.

15 Q So I understand, Mr. Yates, that all of the  
16 information you got about this was either from Mr. Dowless  
17 or Dr. Harris.

18 A Yes, sir.

19 Q I appreciate that. So my question is not where  
20 you got the information from because I understand it came  
21 from Mr. Dowless. My question is whether it seemed  
22 surprising that the goals that he seemed to be setting and  
23 achieving were fairly significant in terms of percentage for  
24 Harris versus the other candidates, but also more than  
25 doubled the total number of absentee ballots from the prior

1 election cycle.

2 A The fact that it more than doubled from the prior  
3 election cycle did not surprise me at all. I believe--I  
4 can't swear to this; I haven't seen a calendar. There were  
5 only about nine week--that was only about a nine week  
6 campaign. It was a special election.

7 According to Mr. Dowless, he only started working  
8 for Mr. Johnson about five weeks before the primary  
9 election. So he had to do it in a very short period of  
10 time. He had been working at least--by the time the primary  
11 came, he'd been working for at least 11 months. And if I'm  
12 to believe what he told me, he already--before those 11  
13 months that I know about, he already had absentee ballot  
14 requests signed up.

15 So it would be believable to me that if he could  
16 get that number of requests that he got for Mr. Johnson in  
17 five weeks, that he should certainly be able to get more  
18 than that in the period of time I just described.

19 Q After the 2018 primary, did Mr. Dowless have any  
20 conversations with you in which he took credit or otherwise  
21 boasted about his successes?

22 A I mean I think everybody on the Harris campaign  
23 was happy and boasting about the fact that we were one of  
24 only two campaigns to defeat an incumbent Republican  
25 congressman in a primary in twenty--I don't remember any

1 specific ones necessarily from Mr. Dowless. I don't doubt  
2 it happened, but we were all excited to have won that  
3 primary.

4 Q What about from Dr. Harris or his wife; did they  
5 suggest to you that Mr. Dowless had done an exceptional job  
6 in Bladen County?

7 A They suggested that we won primarily because of  
8 our strength in Union and Bladen, which was part of our  
9 campaign strategy.

10 Q But anything specific to Mr. Dowless's efforts?

11 A I mean I think they felt that--I mean we sat down  
12 and reviewed the entire campaign team, and they felt that  
13 everybody had done a good job. I don't remember anything  
14 specific they said about Mr. Dowless, but they felt that he  
15 had done a good job.

16 Q What was the relationship between the McVicker  
17 campaign effort that Mr. Dowless was engaged in and the  
18 congressional effort?

19 A That relationship only began after the primary.  
20 It began shortly after the primary, and it was a dual  
21 effort; it was a joint effort, the idea being that if Mr.  
22 Dowless was campaigning for both of them and if he had more  
23 resources, he could hire more people to--for the absentee  
24 program, for early voting, for other things.

25 It would be effective for both candidates. They

1    were both Republican nominees, and it just--it seemed like  
2    it made sense for him to be able to enhance his efforts if  
3    they were both working together.

4            Q     Was this your idea or Mr. Dowless's idea or Dr.  
5    Harris's idea, and how did this come about?

6            A     I was actually approached by, I believe, the  
7    first--I'm not sure about it. It was not my idea. I  
8    believe the first person that mentioned it to me was  
9    actually Landon Bordeaux that worked with the McVicker  
10   campaign, and it as either him or Mr. Dowless, I believe.

11           I think they--I think but I'm not certain that  
12   they may have spoken with Dr. Harris about it as well. It  
13   was transparent; everybody knew about it. It came together  
14   pretty quickly after the primary.

15           Q     And what was the arrangement?

16           A     Just that McVicker would contribute, would  
17   contribute money to pay for folks for absentee ballot  
18   requests and collection and for early voting. He would  
19   hire--"contribute" is not the right word. I apologize.

20           He would hire--through me and the service  
21   provider, he would hire Mr. Dowless to do that as well, and  
22   that Mr.--whenever Mr. Dowless's folks were going out, they  
23   would promote Harris and McVicker.

24           Q     So it was an add-on program to the existing  
25   program.

1           A     That is probably a fair way to describe it.  
2           Q     You reacted to Ms. Strach's question about  
3     whether--what--how you would have react--let me strike that.  
4     If you had known of Dowless's criminal history, I believe  
5     you testified you would not have agreed to have a contract  
6     with him.

7           A     That's correct.

8           Q     And why is that?

9           A     Because of the nature--what I later learned was  
10    the nature of the charges. I learned that they were--I  
11    believe they were--I don't remember. I believe there was  
12    a fraud charge and a perjury charge. Is that--I know I'm  
13    not allowed to ask questions, but is that correct?

14          Q     Let's stipulate that that's the case.

15          A     I would have never hired any--I would have never  
16    paid anyone, even at the direction of the candidate, to work  
17    on a campaign who had fraud and perjury charges because I  
18    would've believed that you couldn't trust them and also  
19    believed that if it had come out that the campaign had hired  
20    someone who had fraud and perjury convictions, that it would  
21    be a terrible black eye for the campaign and would be used  
22    as negative advertising against the candidate.

23               And I also think it would've--if I had knowingly  
24    hired somebody like that, it would've hurt me. As I said  
25    before, I've worked too hard to build up my reputation in

1   this business; I've worked too hard to build Red Dome to  
2   hire one person and let all that be torn down.

3           Q     And if Mr. Harris or another candidate knew, what  
4   would that say about their judgment?

5           A     It would make me question their judgment.

6           Q     So if Dr. Harris knew about the criminal  
7   background of Mr. Dowless, you would've questioned his  
8   judgment.

9           A     Yes, but I have absolutely no reason to believe  
10   that Dr. Harris knew anything about Mr. Dowless--his  
11   background. Dr. Harris was always extremely transparent  
12   with me, extremely honest with me, and if he had known  
13   anything, I am extremely confident that Dr. Harris would  
14   have shared that with me. I would be shocked to find out  
15   that he did not.

16          Q     Do you know who Walter McDuffie is?

17          A     I know the name. I don't believe I've ever met  
18   Mr. McDuffie.

19          Q     Who do you believe he is?

20          A     He is or was, I believe, the chairman of the  
21   Bladen County Republican Party.

22          Q     And are you aware that he says that he warned the  
23   Harris campaign about Dowless's criminal record including  
24   the felony convictions for fraud and perjury?

25          A     I heard a rumor of that after November 27th. He's

1 never said that to me.

2 Q I'm sorry, after November--

3 A November 27th, after the--

4 Q Oh, the 27th.

5 A 27th of '18, yes, sir. That's when I heard a  
6 rumor of that. I haven't had a conversation with Mr.  
7 McDuffie. I don't know--I don't know him personally. Don't  
8 know if that was true or not.

9 Q So if Mr. McDuffie had had that conversation, it  
10 wasn't with you.

11 A It wasn't with me. I don't recall ever having a  
12 conversation with Mr. McDuffie.

13 Q So who else on the Harris campaign would've dealt  
14 with Mr. McDuffie, in your experience?

15 A It could've been several people.

16 Q Let's go through them.

17 A It could have been Mr. Harris himself.

18 Q Right.

19 A Potentially--or, sorry, Dr. Harris himself. It  
20 potentially could have been Ms. Harris. She traveled with  
21 Mr. Harris some on the campaign. It could've been Jason  
22 Williams, the campaign manager.

23 It could've been Conrad Pogorzelski who was our  
24 political director. He traveled with Dr. Harris some. I  
25 don't know for a fact that he traveled with him to events

1      in Bladen County, but I assume he did.

2                Kelly Tain who was our fundraiser, I know she  
3      traveled to at least one event in Bladen County because I  
4      was there. That was the fundraiser I referenced earlier at  
5      Lu Mil Vineyard.

6                Jake Johnson, who was our film director, traveled  
7      with Dr. Harris. Again, I don't know for certain that he  
8      traveled to Bladen. I would assume he did. Logan Mullins  
9      who joined the cam--Logan Mullins worked door to door on the  
10     campaign in the primary, I should say, then joined as our  
11     body man in the general election.

12               Logan would've traveled with Dr. Harris to Bladen,  
13      I feel certain. So any of them could've had a conversation  
14      with him in Bladen or a surrounding county. If they did,  
15      I didn't know anything about it.

16               Q      And had they relayed to you that the Republican  
17      chairman of the county party had warned about Dowless and  
18      his past felony convictions, you would've terminated the  
19      relationship with Dowless or terminated the relationship  
20      with the candidate.

21               A      First I would've called Mr. McDuffie to find out  
22      that that was accurate, to get more details with him. If  
23      it was accurate and I was given those details, I would have  
24      immediately terminated my--I would've gone to Dr. Harris and  
25      asked him if he knew about it.

1           If he told me he knew about it and didn't tell me,  
2   I would've terminated my relationship with both Mr.--both  
3   Dr. Harris and Mr. Dowless. If Dr. Harris had told me he  
4   didn't know about it, I would've advised him that we needed  
5   to immediately terminate our relationship with Mr. Dowless.

6           If we didn't terminate our relationship with Mr.  
7   Dowless, then I would've told Dr. Harris that I needed to  
8   resign from the campaign.

9           Q     You used an example that I want to ensure I  
10   followed you, that Mr. Dowless said to you about walking  
11   someone to the mailbox.

12          A     Yes.

13          Q     Will you explain that?

14          A     Yes, sir. He told me that he knew that they could  
15   not touch, handle, take, mail an absentee ballot for anybody  
16   for any reason. And the example he gave, he said he told  
17   his folks this, that even if it was--I don't know if he said  
18   elderly, old person. I use the term "elderly."

19           But if he said--he said that if an elderly  
20   person--if you helped an elderly person fill out their  
21   ballot request, even if they physically could not walk to  
22   the mailbox, you could not take that ballot from their hand,  
23   walk it to the mailbox, and put it in their mailbox even if  
24   they were watching.

25           You could assist--you could help them walk to the

1 mailbox and they could put it in, but they could never--you  
2 could never touch that ballot.

3 Q Was it your understanding that part of his program  
4 was helping voters get their ballots to mailboxes?

5 A It was not my understanding that it was helping  
6 get it to the mailbox. I think that--that was--my  
7 understanding was that was his example of how serious they  
8 were at following the law about not touching ballots.

9 Q So it wasn't an affirmative part of the program.  
10 It was what they can't do.

11 A It was what they can't do. Yes, sir.

12 Q Was it your understanding that it was legal for  
13 Mr. Dowless or others to assist voters with completing their  
14 ballots?

15 A We never talked about assisting with completing  
16 ballots. Mr. Dowless never told me that his folks assisted  
17 with completing ballots.

18 Q If he had told you that they were doing that--

19 A That would've been a major red flag to me, and I  
20 would've needed to look into the legality of that. I--  
21 that's--I am certain that you can't take the ballot, hold  
22 the ballot, touch the ballot.

23 I'm not--I have serious questions about assisting,  
24 but without consulting with an election law attorney, again,  
25 I wouldn't be comfortable with anybody doing it, but I don't

1 know for a matter of fact that you can't.

2 Q Did the campaign have an election law attorney?

3 A We didn't--we didn't have any--we had somebody who  
4 assisted once, but we never had anybody on retainer  
5 throughout the campaign.

6 Q So who would you have raised the red flag with?

7 A I would have called Josh Lawson at the State Board  
8 to get an advisory opinion. I've done that previously on  
9 a--when I worked with Julia Howard on her congressional  
10 campaign, we had an issue about some expenditure of funds.

11 I believe it was related to her state--she was in  
12 the State House at the time running for Congress. I  
13 consulted with Mr. Lawson. He was extremely helpful. Gave  
14 me an advisory opinion, and we continued to campaign on that  
15 advisory opinion.

16 Q Was it your understanding that it was legal or not  
17 legal for Mr. Dowless to observe how voters marked their  
18 ballots?

19 A My understanding is it was illegal, and Mr.  
20 Dowless told me he never observed anybody mark a ballot.

21 Q That was going to be my next question.

22 A Mr. Dowless told me on multiple occasions that he  
23 never observed a ballot, that he never witnessed a ballot,  
24 that he never touched a ballot, he never handled a ballot,  
25 and he never turned a ballot in.

1           He--from the first day he said that was his  
2 practice. In fact, my understanding is he--my understanding  
3 is he didn't go out and encourage people to return their  
4 ballots. He may have gone out and gotten absentee ballot  
5 request forms, but he left the part about encouraging people  
6 to return their ballots up to his other workers.

7           Q     To Mr. Dowless's other workers.

8           A     Mr. Dowless's other workers.

9           Q     And did you have an understanding as to whether  
10 Mr. Dowless's workers were told that they could handle  
11 ballots?

12          A     I'm sorry, I couldn't hear you.

13          Q     Did you understand Mr. Dowless when he said that  
14 he couldn't handle ballots to mean that his workers also  
15 couldn't handle ballots?

16          A     He told me that he told all of his work--he told  
17 me he told his workers that, and I reminded him both before  
18 ballots went out in the primary and before ballots went out  
19 in the general to make sure you tell your workers that they  
20 cannot touch a ballot, they can't handle a ballot, they  
21 can't fill out a ballot, they can't mail a ballot.

22          Q     What about witnessing ballots? Was that part of  
23 the program that you were paying for?

24          A     I wasn't aware that it was part of the program.  
25 I don't know if they were told they could witness ballots

1 or not. I don't know.

2 Q But was it your understanding that that's part of  
3 what you were paying for?

4 A We were not paying people to witness ballots, no,  
5 sir. Not--not to my knowledge.

6 Q So as far as you know, the Harris campaign was not  
7 seeking to have Mr. Dowless provide witnesses for ballots?

8 A As far as I know. Somebody could have been out  
9 there and somebody could've asked them to witness it; that  
10 would've been that person's choice, but we weren't seeking  
11 to provide witnesses for ballots.

12 Q Was part of the program to make sure that the  
13 voters put the ballots in the mail?

14 A It was to encourage them to put the ballots in the  
15 mail. I don't know if they asked them to put the ballot in  
16 the mail while they were there or not. It was just an  
17 encouragement program, just something that I--I encourage  
18 all of my clients to have some type of absentee ballot chase  
19 program where they encourage the voters that we believe  
20 would be friendly to them to put their ballot in the mail.

21 Q So if someone said that Mr. Dowless--part of Mr.  
22 Dowless's program was to help voters cast the ballots by  
23 witnessing them and make sure that they put them in the  
24 mail, that wouldn't be correct.

25 A That was not my understanding. That could've

1       happened, but that was not my understanding of the program.

2           Q     So if Dr. Harris said that that's what he  
3     understood the program to be, you and he just had a  
4     disconnect about what the program was.

5           A     Yeah, it was just a disconnect. We weren't on the  
6     same--we weren't on the exact same page.

7           Q     And that's probably because Dr. Harris has  
8     actually directly contracted with Mr. Dowless.

9           A     If he had--remembers it differently than me, I  
10    would be speculating if I said why he remembered it  
11    differently than me. I have no way of knowing why he  
12    remembered it differently.

13          Q     But he had a direct relationship with Mr. Dowless.

14          A     That's correct.

15          Q     That didn't go through you.

16          A     That's correct.

17          Q     And he had an opportunity to define the scope of  
18    work before you were even hired.

19          A     That's my understanding.

20          Q     Do you have an understanding whether it was legal  
21    to collect unsealed ballot container envelopes with ballots  
22    inside?

23          A     It was not illegal (sic) to collect ballot  
24    container envelopes, period, sealed or unsealed.

25          Q     And I assume you would say that Mr. Dowless

1 assured you that neither he nor his workers were doing that.

2           A      That is correct. Yes, sir.

3 Q One of the questions I have I want to discuss  
4 through--it's a e-mail from you to Dr. Harris and Jason  
5 Williams on 5/22/2018.

6 MR. BERKON: 25.

7 MR. ELIAS: 25.

8 Q Do you see the e-mail?

9           A     Yes, sir. I have it in front of me.

10 Q So you used the term several--in several places,  
11 "microtargeting."

12                   A           Yes, sir.

13 Q What does targeting or microtargeting mean?

14 A Do you mind if I read the e-mail just--

15 Q Sure.

16 A --so I have it in context?

17 Q Absolutely.

18 A Thank you, sir.

19 (Witness reviews document.)

20 A Are you referring specific--just asking for  
21 clarification?

22 Q I'm just asking for clarification. I'll ask some  
23 specific question, but at this time--

24 A Okay.

25 Q --it's a general clarification. What is targeting

1 or microtargeting?

2 A Sure. Targeting and microtargeting are something  
3 that we use very commonly in mail and direct mail with Red  
4 Dome. Microtargeting is just a smaller subset of targeting.  
5 Targeting might be we're sending--you know, we believe this  
6 message works with all Republicans in Union County, so we're  
7 going to target Republicans in Union County with this  
8 message.

9 To me, microtargeting is a smaller subset of that.

10 We believe this message only works with 35 to 55 year old  
11 Republican women in Union County. So we would microtarget  
12 them with that message. They would be the only ones that  
13 would be served the digital ads or sent the mail.

14 It might be that a message only works with  
15 evangelicals, and evangelicals might be a larger target or  
16 it might be evangelicals in a certain area. That, to me,  
17 would be more microtargeting. It's just--industry terms  
18 that are used by advertisers.

19 Q And in this instance--let me strike that. The  
20 data you would get in order to do targeting and  
21 microtargeting, would that come from the RNC's voter file  
22 or would that come from other sources? Where would you get  
23 the source of the data?

24 A It came from at least three sources. It came from  
25 the NRC's feed, their voter data that they supplied to us.

1     It came from the RNC, their voter file, their voter data.  
2     I also use a company, a very well respected company,  
3     Aristotle, for voter data, so I would use that to supplement  
4     as well, and I would receive guidance from our pollster as  
5     to targeting and microtargeting.

6                 Q     And did you use targeting and microtargeting as  
7     a part of the field program as well, the voter contact  
8     worker.

9                 A     In the general election, Conrad may have done some  
10    targeting and microtargeting with it. We partnered with  
11    Victory on the field program in the general election, and  
12    they supplied our list.

13                 I gave them some guidance, but they could speak  
14    much more with authority; that is, whether it was  
15    microtargeting. I'm sure there was, but you would have to  
16    ask them to get any specifics on it.

17                 Q     And just so the record is clear, what is Victory?

18                 A     Victory is a program paid for by the RNC, run  
19    through the state party, where they come in and do field  
20    programs in targeted districts around the--around the state  
21    and around the country.

22                 Q     Do you know where Mr. Dowless got his list from?

23                 A     I may have supplied him with a list from time to  
24    time, probably from Aristotle, but most of Mr. Dowless's  
25    lists were lists that he had--he got data from the Board of

1     Elections in Bladen County. He had a good relationship with  
2     those folks.

3                 He was telling me he got data from them, publicly  
4     available data, but also Mr. Dowless had kept records of  
5     people who requested absentee ballots in the past, and he  
6     would use that data.

7                 He had to--he told me the first people he went  
8     back to after the primary in 2018 were the people who had  
9     requested absentee ballots in that primary which made  
10   perfect sense to me.

11               Q     Do you know if Mr. Dowless kept copies of the  
12   absentee ballot request forms before he submitted them?

13               A     I do not know if he kept copies. I know he  
14   purported to have--I never saw them, but he purported to  
15   have records going back several election cycles of people  
16   who requested absentee ballots from him.

17               I have no way to know if those were copies or if  
18   he had made handwritten notes or had somebody--to my  
19   knowledge, he never had a computer till after the primary.  
20   So I don't think it was recorded electronically.

21               Q     So it wasn't electronically recorded.

22   Photocopying would probably be the simplest way.

23               A     You're asking me to assume something he did, and  
24   you know, he didn't always do things the simplest way.

25               Q     Did you have any concerns that he might be keeping

1 private information from voters?

2 A I did not. I wasn't aware that he was. That  
3 concern never entered my mind.

4 Q So he never offered you any assurances one way or  
5 the other.

6 A None one way or the other. I had no reason to  
7 believe he would have been.

8 Q So you said that you might have supplied him voter  
9 lists from Aristotle.

10 A Yes, sir.

11 Q What would those lists have been?

12 A He had asked from time to time--I remember him  
13 asking from time to time about lists of people who had voted  
14 absentee in the past. They're easy to pull from Aristotle.

15 Q And would you have included partisan data on those  
16 lists?

17 A I'm sure I would have, as that's one of the  
18 standard fields. I would've included all the standard  
19 fields that Aristotle includes as far as I know.

20 Q And what are those standard fields?

21 A There's no many standard fields, Mr. Elias, I  
22 couldn't tell you without having it up in front of me.

23 Q Let me see if I can do it. Race.

24 A Yes, that's one.

25 Q Party.

1           A     Yes.

2           Q     Vote history.

3           A     Yes.

4           Q     Support score.

5           A     I don't think support score is standard data. I  
6     think you have to--you may have--I'm not sure if the support  
7     score is a default field. There's tons of other fields  
8     besides that. The ones that I--do you want the ones that  
9     I can remember?

10          Q     Yes.

11          A     It's name, address, birthday, age, gender, race,  
12     variety of legislative districts that they might be in. I  
13     think there's a flag; do you own a home, don't own a home?  
14     There's lots of consumer data like that. That's a lot of  
15     what I don't remember.

16                 And then election history goes back forever. It's  
17     a ton of information. And I--frankly, I'm not sure Mr.  
18     Dowless would've understood what he'd been given.

19          Q     But he asked for it.

20          A     But he had asked for it.

21          Q     And he got it. How would--how did Mr. Dowless or  
22     the campaign know that his effort was only turning out votes  
23     for Mr. Harris?

24          A     How would we know--I'm sorry. Would you repeat  
25     that?

1                   MR. ELIAS:                   So can we put the  
2 demonstrative exhibit back up?

3                   MR. LAWSON:                   It's 15.

4                   Q     So let's look at the 2018 primary because that's  
5 the one you have personal knowledge of, right?

6                   A     Uh-huh (affirmative).

7                   Q     So Mr. Dowless obviously targeted quite well  
8 because only 19 of 450 people voted for anyone other than  
9 Mr. Harris. Pretty good targeting.

10                  A     Yes, sir.

11                  Q     In your experience, is that better targeting than  
12 you even get from the RNC's voter file?

13                  A     I would assume so, but that's speculation.

14                  Q     And the RNC's voter file costs millions and  
15 millions of dollars to maintain with all kinds of appending  
16 data, right?

17                  A     I don't know what they spend on their voter file.

18                  Q     So how--in a partisan primary, how would he have  
19 known that he was targeting and turning out--that he was  
20 targeting only Harris voters?

21                  A     My understanding from--well, I think two things.  
22 Number 1 is there was very little evidence to me that--  
23 either that Congressman Pittenger campaigned in Bladen  
24 County at all. He wrote Bladen County off. He was not  
25 campaigning there. And it had just recently been a part of

1 his district; there wasn't a lot of awareness of Congressman  
2 Pittenger there.

3 Mr. Goins, very nice guy, got in the race late,  
4 ran a very low budget, didn't campaign much at all. So that  
5 would be part of it. The other part of it is that Mr.  
6 Dowless was going back to people and was having his folks  
7 go to friends, family, neighbors, and people that he had  
8 gotten requests from in the past, asking them to fill out  
9 a request and asking that they vote for Dr. Harris.

10 So I think he was going to people that he--he was  
11 having trusted people--he was having people ask somebody  
12 that would have trusted them, like me asking my mom. If I  
13 went to my mom and asked my mom to vote for Mark Elias, she  
14 would likely vote for Mark Elias because she trusts me.

15 And so that's--so he had--I felt like that's how  
16 he was targeting. It was heavily friends, neighbors, family  
17 members, and people that--he said some of them had filled  
18 out absentee ballot requests for him two or three cycles  
19 back. So it was based on--my understanding was that a lot  
20 of it in the primary was based on a trust relationship.

21 Q But he--as I understand it from your testimony,  
22 you thought he was only getting them to apply for absentee  
23 ballots.

24 A He was getting them to apply for absentee ballots,  
25 and he was asking that they vote for Dr. Harris.

1           Q     And you think that that, without any other  
2 targeting, would turn out these kinds of results.

3           A     If they trusted those people or when they went  
4 back out to remind them to cast their absentee ballot, again  
5 they asked them to vote for Dr. Harris. They left  
6 promotional material behind.

7                 We did a number of campaign events in Bladen. We  
8 did mail in--we were campaigning--from everything I could  
9 tell, we were running a much more aggressive campaign in  
10 Bladen County besides what McCrae Dowless was doing. So  
11 they were hearing from us a lot.

12          Q     Do you know what the county breakdown was between  
13 Pittenger and Harris for total votes?

14          A     Not without looking it up.

15          Q     Did Pittenger get more than five percent of the  
16 vote in Bladen County?

17          A     I'm sure he did.

18          Q     He get more than 20 percent of the vote in Bladen  
19 County?

20          A     Again, I'm speculating without looking at the  
21 numbers, sir.

22          Q     We're going to--I'm going to give you the numbers  
23 in a second, but in your experience, having done mail,  
24 having done paid phones, having done lots of campaigns, is  
25 there a pool of primary voters--I understand general

1 election voters, you might say, are targeted through various  
2 demographics or other criteria.

3 Is there a group of Republican primary voters  
4 where on a blind basis, out of 456, you would yield 437  
5 votes simply because the person making the request asked the  
6 voter to vote for a candidate?

7 A I can't say it's--I mean it appears false, but  
8 that's what happened here.

9 Q Sitting here today, is that what you believe  
10 happened here?

11 A I do believe that--I believe that's what happened.  
12 I believe that--

13 Q After hearing the testimony for the last two days,  
14 you believe that's what happened here.

15 A I believe that that was what he told me was  
16 happening, and I believed that's what happened at the time.  
17 I don't--I don't--I don't know what to believe--after  
18 yesterday, I don't know what to believe about McCrae  
19 Dowless.

20 Q Okay. I just wondered--

21 A I mean you could tell me anything about McCrae  
22 Dowless right now, Mr. Elias, and I would tell you I don't  
23 know whether to believe it or not. You could tell me he was  
24 worth ten million dollars. You could tell me he got  
25 arrested last night on the way back to Bladen County.

1 I wouldn't know what to believe about Mr. Dowless  
2 right now. I don't know whether to believe anything Mr.  
3 Dowless ever told me.

4 Q So I just want to clarify because I think I  
5 was--I may not have been entirely clear in my time frames.

6 A Yes, sir.

7 Q So sitting here today, you don't necessarily  
8 believe that these results were the product of what--of--

9           A       I don't know whether to believe that or not. I  
10          don't know what to believe about what he did.

11 Q But at the time you believed--

12 A At the time I believed it, yes, sir.

13 (Whereupon, Exhibit No. 31

14 was marked for identification.)

15 Q Are you looking at a page that says--a document  
16 that says, "5/8/2008 (sic) Official Primary Election Results  
17 Bladen"?

18 A Yes, sir.

19 CHAIRMAN CORDLE: And is this Exhibit 28? Is  
20 that the actual--

22 CHAIRMAN CORDLE: Pardon?

23 COURT REPORTER: 31.

24 CHAIRMAN CORDLE: All right. Thank you.

25 MR. ELIAS: It's Exhibit 31.

1           Q     So I asked you if you knew what the overall  
2     percentages were. So do you see what the percentages were  
3     for Dr. Harris, Congressman Pittenger, Mr. Goins by voting  
4     (indiscernible word) ?

5           A     Yes, sir.

6           Q     And do you see that election day was 538 to 356  
7     to 47?

8           A     Yes, sir.

9           Q     And the absentee, 452 to 198 to 11?

10          A     Yes, sir.

11          Q     And the absentee by mail, 437, 17, 2.

12          A     Yes, sir.

13          Q     So these numbers we have been discussing before  
14     were just that last column 437, 17, 2.

15          A     Yes, sir.

16          Q     What is "absentee one stop"?

17          A     That's what we call early voting in North  
18     Carolina.

19          Q     Yeah, so that's early voting. So look--and I  
20     understand that at the time you had just won a primary. You  
21     may not have been focused on the election results in--by  
22     voting method in one county, and I will stipulate that.

23                 But looking at this now, do you still think that  
24     there is nothing unusual on its face regarding the absentee  
25     by mail numbers?

1           A     Am I being asked this after what I heard yesterday  
2     or before what I heard yesterday?

3           Q     Before what you heard yesterday.

4           A     I would say not really because I have been a part  
5     of a campaign before where I felt like we cannibalized a lot  
6     of our vote in absentee by mail and absentee one stop. I  
7     felt like we put so much of an emphasis in Bladen County in  
8     pushing people to vote by mail and pushing people to vote  
9     by one stop, that we had a limited--a much more limited pool  
10    of voters that were favorable to Harris to vote on election  
11    day.

12          Q     So before yesterday, you would still accept that  
13    Mr. Dowless's program was just a remarkable success of  
14    targeting.

15          A     I would say he knew his county. He knew the  
16    people to go to to get absentee ballot requests from, and  
17    he had people go to their friends and neighbors and ask them  
18    to vote absentee and asked them to vote for Dr. Harris, and  
19    it worked.

20           And I had been told that it had worked repeatedly  
21    for a number of candidates over the years prior to Dr.  
22    Harris.

23          Q     Well, we saw it worked for a candidate who ran  
24    against Dr. Harris two years earlier.

25          A     Yeah. And I had seen that it worked for Jim

1     McVicker in 2014. I had been told that it worked for state  
2 legislative candidates. I mean I had been told it worked  
3 for county commissioner candidates.

4           Q     Is there something about the demographics or the  
5 sub groups of voters in the Republican primary in Bladen  
6 County that would've allowed him to identify facially who  
7 was likely to be a Harris voter versus a Pittenger voter?

8           A     I'm not sure about that. That'd be a question for  
9 Mr. Dowless.

10          Q     There was nothing you're aware of.

11          A     Nothing that--anything I would say there would be  
12 speculation. I don't know how he determined who he targeted  
13 beyond what he told me, which I relayed to you.

14          Q     You testified earlier that Mr. Dowless would not  
15 always turn all of his request forms in right away.

16          A     Yes, sir.

17          Q     Why would that be?

18          A     The only reason he gave me was that he didn't want  
19 the opponent to know how many request forms had been turned  
20 in because he was afraid they'd try to build a similar  
21 program.

22          Q     How would the opponent be able to build a similar  
23 program?

24          A     I don't know. That was his fear.

25          Q     Did you ever question that further?

1           A     No, because that was the program that had been  
2     agreed to before I came on board with Mr. Dowless; that that  
3     was how he had done it in the past, and it had worked in the  
4     past.

5           Q     And that program had been agreed upon before by  
6     Mr. Dowless and (unintelligible).

7           A     I don't know that they discussed that particular  
8     part of it. I know that the program had been agreed to, so  
9     I didn't feel the need to question it, plus I knew that that  
10    was how he'd operated in the past, and it had worked in the  
11    past.

12          Q     Is it fair to say in summary that Mr. Dowless had  
13    a track record in Bladen County? He had made a deal with  
14    a candidate to perform those services for him. You got  
15    hired, were focused on a lot of other things that were your  
16    specialty, and Mr. Dowless was--you were just playing Pay  
17    Master for him; that you were not accountable for his  
18    programs.

19          A     I think that's fairly fair.

20          Q     That Mr. Dowless, to the extent he had a program,  
21    had worked that out with Dr. Harris.

22          A     I think all the beginning stages of the program  
23    he worked out for Dr. Harris. There may have been minor  
24    tweaks along the way, but the program was laid out before  
25    I came on board.

1           And it was a program that had a track record, and  
2   it was a program that had been endorsed by elected officials  
3   in Bladen County including a county commissioner, a sheriff.  
4   It had been endorsed by respected business and community  
5   leaders in Bladen County, and it had been endorsed by a  
6   respected judge, a judge that I have known--at that time I  
7   had known for at least seven or eight years, now that I've  
8   known for close to a decade.

9           Q     But you've worked for a lot of candidates.

10          A     Yes, sir.

11          Q     Even if it had been endorsed by nobody, if the  
12   candidate wants a vendor or a program, by and large when  
13   you start a campaign, you're going to adopt the program that  
14   the candidate's already contracted for.

15          A     Generally speaking, that I would've asked more  
16   questions and had been more curious if it had not been  
17   endorsed by anyone.

18          Q     And on top of that, this wasn't your area of  
19   expertise.

20          A     I would say that's correct.

21          Q     And on top of that, Dr. Harris and his wife were  
22   talking directly to Mr. Dowless.

23          A     Yes.

24          Q     So in some sense, this wasn't your problem. This  
25   was the candidate's program that he had contracted for and

1       was his problem. Is that fair?

2           A     I don't think at that point it would've been fair  
3     to characterize it as a problem.

4           Q     Fair enough. It was the candidate chose the  
5     vendor, the candidate signed off on the program, and it was  
6     his responsibility that he did that. It was not something  
7     that he was looking to you to make a judgment about.

8           A     I would have never signed up with the program  
9     because to my--I wasn't aware that the program existed. I  
10    wasn't--at the time McCrae Dowless was mentioned to me by  
11    Dr. Harris I didn't recall--I could've heard his name at  
12    some point in my life, but I didn't recall ever having heard  
13    his name, so it would not have been a program that I would  
14    have suggested at all because it wasn't a program I knew  
15    anything about or was aware of.

16          Q     To the extent you know--and I don't know how much  
17    you would've focused on this--how much alignment was there  
18    between the Harris voter and the McVicker voter?

19          A     I think that they--I mean as a student of  
20    politics, I would say they would probably be very similar.  
21    They both were Republican candidates. Both were--I'd say  
22    I would personally characterize as law and order kind of  
23    candidates, traditional conservative, evangelical, which is  
24    a strong appeal in Bladen.

25                   That I would expect--regardless of whether Sheriff

1      McVicker and Dr. Harris got along or couldn't stand each  
2      other, I'd have expected most McVicker voters to vote for  
3      Harris and most Harris voters to vote for McVicker.

4            Q      Turning to the days after the primary--

5            A      Yes, sir.

6            Q      --did you know that aides to Pittenger had  
7      approached the North Carolina Republican Party's executive  
8      director because they believe fraud had occurred?

9            A      No, sir.

10          Q      Were you aware that they had approached the  
11     political director for the National Republican Congressional  
12     Committee?

13          A      No, sir.

14          Q      What is the National Republican Congressional  
15     Committee?

16          A      It's a campaign committee whose job is to make  
17     sure Republicans get elected to Congress all over the United  
18     States.

19          Q      If you had known that--and who's the executive  
20     director of the state party?

21          A      Dallas Woodhouse.

22          Q      If you had been aware that they had expressed  
23     concerns to Mr. Woodhouse or to an employee of the NRCC that  
24     fraud had been--fraud had taken place, what would your  
25     reaction have been?

1           A     I would have wanted to seek out more information  
2 because in my opinion Congressman Pittenger is not a  
3 trustworthy person, and there were some people working  
4 on--while there are some people such as Paul Shoemaker  
5 working on his campaign I consider trustworthy, there were  
6 several of his staff members on the ground that I didn't  
7 always know to be trustworthy. So I would've taken it on  
8 its face from them, but I would've investigated it, asked  
9 for information wanting to know what they knew.

10          Q     You for sure would've expected that the party  
11 would have notified you.

12          A     Yes. And if they knew that and they didn't, that  
13 makes me livid with the party and very sad and disappointed.

14                 CHAIRMAN CORDLE:    Well, let me just interrupt  
15 one second here. Did you know or were you ever told that  
16 Mr. Dowless asserted his Fifth Amendment rights in hearings  
17 before the State Board in 2016 following the McCrory--

18                 THE WITNESS:       No, Mr. Chairman. I was never  
19 told that.

20                 CHAIRMAN CORDLE:   The Republican party officials  
21 didn't tell you that?

22                 THE WITNESS:       No, sir, they did not.

23                 CHAIRMAN CORDLE:   Thank you. Please go ahead.

24          Q     Would you have expected that they would've shared  
25 that information with you?

1           A     Yes, especially after I told them that Mr. Dowless  
2 was working with the Harris campaign.

3           Q     And did they ever express any concerns about that?

4           A     They did not.

5           Q     And after Mr. Pittenger or his aides raised these  
6 concerns, they still didn't express that to you?

7           A     They did not.

8           Q     Does it surprise you they didn't?

9           A     It shocks me that they didn't.

10          Q     Do you think that maybe they notified someone else  
11 on the campaign other than you?

12          A     I would be surprised because I was the main point  
13 of contact at that time between the state party and the  
14 campaign.

15          Q     And what about the NRCC and the campaign?

16          A     I was the main point of contact between NRCC and  
17 the campaign. They talked to other folks, I'm sure, but I  
18 was--especially early on, the main point of contact. The  
19 day after the primary, I spent hours actually standing in  
20 my front yard talking to both--to folks from the NRCC.

21          Q     Do you know Mr. Foot?

22          A     I do know Mr. Foot.

23          Q     And he never raised it.

24          A     He never raised a concern with me about it.

25          Q     And do you know Mr. Woodhouse?

1           A     I do.

2           Q     And did he raise it with you?

3           A     He did not.

4           Q     Would it have been unusual for the NRCC to talk  
5     to one of its candidates directly about this?

6           A     It wouldn't be unusual for them to talk to one of  
7     their candidates. I think an issue of this nature I believe  
8     the NRCC would've come to the consultant.

9           Q     But they didn't come to the consultant.

10          A     They did not come to the consultant.

11          Q     So if they didn't come to the consultant, who else  
12     might they have gone to on the campaign?

13          A     They could've gone to the candidate. They  
14     could've gone to the campaign manager. They could've spoken  
15     to the state party about it.

16                 (unintelligible crosstalking)

17          A     --communication with the state party. You know,  
18     I'm speculating now, but that's people they could've  
19     potentially gone to because I know that's people they talk  
20     to.

21          Q     Yeah, it's not total speculation. You know who  
22     the lines of communication were between the state party and  
23     the campaign, correct?

24          A     Correct, yes, sir.

25          Q     And it would've been you.

1           A     Yes, sir.

2           Q     The campaign manager.

3           A     Yes, sir.

4           Q     The candidate.

5           A     Yes, sir.

6           Q     Anyone else?

7           A     They may have talked to the fundraiser, but that  
8     would've only been about fundraising.

9           Q     And with the NRCC, same question, it would've been  
10    you, it would've been the campaign manager, and it would've  
11    been the candidate; is that correct?

12          A     Yes, sir.

13          Q     And it wasn't you.

14          A     It wasn't me.

15          Q     When did you tell Republican officials that Mr.  
16    Dowless was working for the Harris campaign?

17          A     The day after the--I told Dallas Woodhouse the day  
18    after the primary.

19          Q     And what was his reaction?

20          A     His reaction--he was asked about different  
21    results, and his reaction was wanting--was asking what they  
22    could do. He said, "I hope you're going to continue to work  
23    with him in the general election," and he wanted to know if  
24    I thought there was anything he could do to make Mr.  
25    Dowless's efforts more successful, to help with his efforts.

1           Q     And I understand this would've been after the  
2 27th, but have you subsequently learned that Mr. Woodhouse  
3 said that he remembers hearing about anomalies and took a  
4 cursory look at the end of race at the vote totals?

5           A     I don't remember reading that, but there's been  
6 so many stories that have come out after the 27th, and I can  
7 guarantee you I haven't read all of them.

8           Q     But if he had done that, you would've expected  
9 that he would've let you know.

10          A     You're darn right I would have.

11          Q     And if not you, the candidate.

12          A     If not me, the candidate, but I would've expected  
13 that he'd let me know. In fact, I feel like there would've  
14 been an obligation for him to let me know.

15          Q     Did he have a relationship with Dr. Harris?

16          A     At that point, not--at that point, not really.  
17 I mean, you know, just cursory.

18          Q     But he could've picked up the phone and called  
19 Dr. Harris. You don't know.

20          A     Exactly. As far as I know, he knows how to use  
21 a phone and could pick up the phone and call anybody.

22          Q     I want to direct your attention to the e-mail from  
23 you to Elizabeth Harris. It's a multi-page--I want to  
24 direct your attention to the 9/24/2008 (sic) e-mail to  
25 Elizabeth Harris.

1           A     Let me--will you give me a second to look? I've  
2    got a number of e-mails--

3           Q     (unintelligible).

4           A     Pardon me?

5           Q     Exhibit 30.

6           A     Okay. Just give me one second. They're all in  
7    this folder, so I'm going to have to hunt for it.

8                   (Pause)

9           A     Okay, sir, I have it.

10          Q     How involved was Ms. Harris in campaign strategy?

11          A     It varied depending on her availability. She  
12    worked as well as looked after grandchildren, so her  
13    involvement in campaign strategy varied based on her  
14    schedule.

15          Q     And the spreadsheets that were attached, are those  
16    spreadsheets that she compiled. or do you know? There are  
17    no attachments printed out.

18          A     Yeah. She would pull summaries of absentee ballot  
19    data early in the morning during both the primary and the  
20    general election. She or I would always do that because we  
21    were the two people in the campaign that were up before five  
22    o'clock in the morning.

23          Q     I want to start by looking on the third--I'm  
24    sorry, the second page. It's her e-mail to you. Do you see  
25    where it says, "This is your"--

1 CHAIRMAN CORDLE: But there are marks on the  
2 letter that's been shown on the--

3 MR. ELIAS: Oh, yeah, I think that--

4 CHAIRMAN CORDLE: There probably shouldn't be.  
5 It's not on the exhibit given to us.

6 (Pause)

7 Q Do you see where it says, "This is urgent," and  
8 has (indiscernible word)?

9 A Yes, sir.

10 Q Did you view this as urgent?

11 A Would you mind if I read the whole e-mail first?

12 Q Oh, yes. I'm sorry.

13 A No worries. And I believe, just looking at this  
14 e-mail, that I wasn't the only person that received this e-  
15 mail.

16 (Witness reviews document.)

17 A Yes. I would've believed it was urgent, and Ms.  
18 Harris was not the type to say that something was urgent  
19 unless she felt it was urgent, and she had, in my opinion,  
20 very good political instincts.

21 Q That was my question, as to whether or not this  
22 meant that it was urgent for her if you received other e-  
23 mails that--

24 A Yeah. I would not have replied at 7:17 a.m. if  
25 it wasn't urgent because that's normally the time of day

1       when I'm trying to get my nine year old out to school.

2           Q     I understand. Looking at the--two paragraphs down  
3 from there.

4           A     What does the paragraph start with? I'm sorry.

5           Q     "Looking at this."

6           A     Okay. Yes, sir.

7           Q     Do you see where it says, "I still think one thing  
8 that jumps out is that we need to send absentee letters to  
9 every Robeson County voter even though Mr. McCrae is working  
10 there"?

11          A     Yes, sir.

12          Q     What did that refer to?

13          A     So we were not--partially for budgetary reasons  
14 because McCrae's workers, as best we knew, were going door  
15 to door, and anybody requesting an absentee ballot in the  
16 portion of Robeson that overlapped with Brenden Jones's  
17 house district, that was not an area that we were sending  
18 absentee letters out to.

19                   We were sending absentee letters out to the rest  
20 of the county, but to save resources and avoid duplication,  
21 since we knew those folks--or thought those folks were  
22 already being contacted, we were not sending letters to  
23 them.

24          Q     Who is Jake?

25          A     Jake was our field director.

1           Q     The next paragraph begins, "Jake, I would also  
2     strongly consider forwarding the list of the Robeson  
3     absentee voters to Olivia and ask her to send to Wanda and  
4     Jimmy Hammond." Who are Olivia and Wanda and Jimmy Hammond?

5           A     Olivia Oxendine is a prominent Republican in  
6     Robeson County who was a big supporter of Mark Harris's.  
7     I believe I met her, but I'm not confident. Jimmy Hammond  
8     and I'm assuming Wanda is his wife, were Harris supporters  
9     there as well. I don't--I may have met him, but I don't  
10    know them personally.

11          Q     Olivia is not just a prominent Republican, right?  
12    She holds a position in Robeson County?

13          A     I don't know for sure.

14          Q     Do you know if she is on the Robeson Board of  
15    Elections?

16          A     I wouldn't know without going online and looking  
17    up who their members are.

18          Q     And who is Phillip?

19          A     Phillip Stephens in the party chair in Robeson  
20    County.

21          Q     So you have a list of Robeson absentee voters,  
22    right?

23          A     Yes.

24          Q     And where was that obtained from?

25          A     Ms. Harris was downloading from the State Board

1     of Elections public available data each morning the list of  
2     people who had requested absentee ballots, and it showed on  
3     that list whether their ballot had been mailed out or not,  
4     whether it had been returned, whether it had been accepted.

5                 There's a number of other information on there,  
6     but I think--if you need any other details on that, I think  
7     Ms. Strach or Mr. Lawson's probably better qualified to  
8     provide you with those than I am.

9                 Q     And why would a publicly available list have to  
10    come from Olivia or Wanda or Jimmy Hammond rather than  
11    directly from the campaign to them?

12                A     You'd have to ask either Jake or Ms. Harris about  
13    that. I would have no idea. Olivia was helping the  
14    campaign. Maybe her relationship was strong with him, but  
15    that's speculation. You'd have to ask Jake or Ms. Harris.

16                Q     You mentioned that McVicker was paying \$8,000.

17                A     Yes, sir.

18                Q     Why was he paying so much less than Harris was  
19    paying?

20                A     I think that was based off his ability to pay.

21                Q     So it wasn't based on the percentage of work for  
22    each. It was based on ability.

23                A     As far as I know, it was based on his ability to  
24    pay.

25                Q     Do you know had Dowless worked for McVicker in the

1 past?

2 A According to Dowless, he had. That was one of  
3 his, for lack of a better term, proof points, I believe,  
4 that he used with Dr. Harris when they met, but that was  
5 one of the things that he mentioned to me the first time I  
6 met with him.

7 Q So I want to put the demonstrative--no, I take  
8 that back. Forget it. On election day, what were your  
9 expectations going in about how you would perform in Bladen  
10 County?

11 A Are we talking about primary election or general?

12 Q I'm sorry. General election.

13 A I expected--I believe, if my memory serves, that  
14 President Trump in 2016 in the 9th District portion of  
15 Bladen received around 60 percent of the vote, and my goal  
16 in my head from the time we started preparing for the  
17 general election after the primary was to try to get the 60  
18 percent number in Bladen that--I'm saying 60. That's  
19 roughly, but to try to get the same number in Bladen--the  
20 9th District portion of Bladen that President Trump had  
21 received there.

22 Q Did you have a sense of what the Trump targeted  
23 number was?

24 A From '16?

25 Q I'm sorry. You know what the actual

1 (unintelligible), right? I apologize about that. And was  
2 there anything in the election results from Bladen County  
3 in 2018? I asked you a whole bunch of questions about were  
4 you surprised by anything that you saw in 2016, anything you  
5 found surprising in the primary in 2018.

6 Now in the general in 2018, was there anything in  
7 the results that you saw from Bladen County in the general  
8 in 2018 that was surprising?

9           A       Well, would you mind showing me the results, sir?  
10      It would--just so I'm not going from memory.

11 Q I was going to do that, and then I stopped and  
12 thought let me try to save time, but--

13 (Pause)

14 CHAIRMAN CORDLE: While you all are looking, I  
15 think I want to tell everybody that we've been notified  
16 again that the Capital Police would like us to be out of the  
17 building at 6:00 tonight. So that he wants us to start  
18 getting ready somewhere around 5:30 to get out. We may go  
19 a little bit further than that.

20                   We've also just been notified that we may have the  
21       use of this room in this building on Thursday. I still hope  
22       that's not necessary, but it's looking more and more like  
23       it. So if you've got something; you can finish up with him  
24       or finish part of this?

25 MR. ELIAS: I can finish most of it. I'll

1 have just a little chunk that I think will carry over, but  
2 I'll try to limit this.

3 CHAIRMAN CORDLE: There is some excitement. I  
4 believe the state board staff has told me that they will  
5 probably call Dr. Harris as the next witness, so we've got  
6 to be prepared for that tomorrow.

7 MR. ELIAS: Thank you, Mr. Chairman.

8 (Whereupon, Exhibit No. 32

9 was marked for identification.)

10 Q Do you see the document?

11 A Yes, sir.

12 Q Was there anything about these results that would  
13 strike you as--

14 A Looking at--let me get on the correct page. It's  
15 (unintelligible). Okay, I've got the page in front of me.  
16 The only thing that surprised me at the time that I even  
17 remember that election night was I expected our overall  
18 percentage to be--well, actually two things surprised me.  
19 One is I expected to have more absentee by mail votes, and  
20 two, I expected our overall percentage to be closer to 60  
21 percent.

22 Q So you expected to have more absentee votes.

23 A Yes, sir.

24 Q And why was that?

25 A Because I believe that based off--I don't know the

1 exact number of requests that Mr. Dowless said he generated,  
2 but I felt like that with the work he had put in, that we  
3 should've had more than 420. Just personal feelings on my  
4 part.

5 I know there were complications because of the  
6 hurricane, and we had actually pushed people who had  
7 requested their absentee ballot and hadn't gotten it to go  
8 vote early. So that made me less concerned about it.

9 That was a little disappointing. Bladen County  
10 was one of the counties where I felt like we slightly under  
11 performed, and when I say, "under performed," two and a half  
12 percent, three percent. It wasn't like a drastic under-  
13 perform, but I was a little disappointed that the number--  
14 the percentage wasn't higher.

15 Q Do you remember what the total number of absentee  
16 vote by mail ballots there were in the 2018 primary?

17 A The total number for the primary? Not with--I  
18 mean you showed it to me earlier, but I'd have to flip back  
19 to that page.

20 Q Do you recall that it was 437 for Harris, 17 for  
21 Pittenger, and 2 for Goins?

22 A That sounds right, but I couldn't swear to it  
23 without seeing the page.

24 Q Is it unusual that Mr. Harris would have done so  
25 much better in the primary with absentee ballots than he did

1 in the general?

2 A That's surprising to me, yes. I hadn't compared  
3 those numbers side by side until you just asked, but having  
4 just quickly done that, that does surprise me.

5 Q And if all that Mr. Dowless was doing was asking  
6 his friends and relatives, giving them recommendations who  
7 to vote for, you'd anticipate that he could certainly ask  
8 his friends to vote for a Republican over a Democrat easier  
9 than to vote for one Republican over another Republican,  
10 right?

11 A I would assume that that's a fair assumption.

12 Q And yet he managed to get 437 friends to vote for  
13 Harris while only having 17 vote for Pittenger and two for  
14 Goins, and nothing about those primary results as you sit  
15 here today look odd.

16 A Not before I knew--heard what I heard yesterday.

17 Q So even looking at the general election results  
18 from '18 and the primary results, the primary results look  
19 normal to you.

20 A The primary results don't look odd. What looks  
21 odd is that the general number is lower, and I had never  
22 compared those side by side until today. Never had a reason  
23 to.

24 Q So if anything looks odd, you think it's the  
25 general election number.

1           A     Yes.

2           MR. ELIAS:           I can either keep going for  
3 another 15 minutes or this is a natural breaking point.

4           CHAIRMAN CORDLE:   If this is a natural breaking  
5 point, I think we ought to take a break. If it suits you  
6 all, we'll start at 9:15 in the morning.

7

8

---

9

10           (Whereupon, the proceedings  
11               recessed at 5:45 p.m.  
12               to be reconvened on February 20, 2019.)

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF NORTH CAROLINA

2 COUNTY OF ALAMANCE

3

4 C E R T I F I C A T E

5

6 I, G. Lynn Bodenheimer, Certified Verbatim

7 Reporter and Notary Public, do hereby certify that I was  
8 present and served as court reporter for the foregoing  
9 proceeding held at the North Carolina State Board of  
10 Elections & Ethics Enforcement in Raleigh, North Carolina,  
11 on February 19, 2019; that said proceeding was reported by  
12 me and transcribed by me personally; and that the foregoing  
13 pages 235 through 532 constitute a true and accurate  
14 transcription of the proceeding.

15 I do further certify that I am not of counsel for  
16 or in the employment of either of the parties to this  
17 action, nor am I interested in the results of this action.

18 In witness whereof, I have hereunto subscribed my  
19 name this 18th day of March, 2019.

20

21

*G. Lynn Bodenheimer*

---

22 G. LYNN BODENHEIMER  
23 Certified Verbatim Reporter/  
Notary Public No. 19942140002

24 My Commission Expires:

25 August 3, 2019